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THE SOCIAL CONSTRUCTION OF THE MALE

BATTERER AS 'NORMAL'

by

Sandra Ann MacMillan

A Thesis

**Submitted to the Faculty of Graduate Studies and Research
through the Department of Sociology and Anthropology in
Partial Fulfillment of the Requirements for the
Degree of Master of Arts at the
University of Windsor**

Windsor, Ontario, Canada

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ABSTRACT

This research, from a feminist constructionist perspective, attempts to deconstruct society's view of the male batterer as normal from legal documents such as police and probation reports, court transcripts, psychological reports and women's own accounts. This latter data was collected by the Michigan Battered Women's Clemency Project for women in Michigan prisons who are sentenced to lengthy incarceration for committing violent crimes related to the battering situation. This study goes against the existing literature available on men's violence against women and explains men's violence in terms of power and control on a structural and individual level. The existing research available on wife battering is critically examined with reference to the fact that the victim of wife abuse is labeled as 'crazy' and the perpetrator as 'normal'. Both society and the criminal justice system have normalized the behaviour of men who are violent towards women. The conclusion is made that although the women, other people, and the criminal justice system view the male batterer as 'normal', it is the women who are normal and the male batterer who exhibits behavioural patterns that would reasonably be associated with abnormality.

This thesis is dedicated to my parents,
Douglas and Carol MacMillan, who have always
supported me throughout my educational endeavors

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CHAPTER I

INTRODUCTION

Although the physical, psychological, and sexual abuse of women by men has existed for centuries, it is only recently that this phenomenon has become the focus of discourse and attention. From the mass of research on abused women available today, it is interesting to note how often the victim of male violence is labeled as 'abnormal' and the perpetrator as 'normal'. Whether these women have been victims of wife assault, rape, sexual harassment, incest, sexual abuse, or any other form of violence, myths about the nature of females have not only formed the attitudes of society and the criminal justice system towards female victims of male violence. These myths have also provided a basis for differential labeling and treatment of victims and offenders by society and the criminal justice system. Although society professes to "deplore the violent behaviour of male batterers,...deep seated attitudes regarding the issue appear to be quite ambivalent...(O)ur society has been disinclined to stigmatize males for offenses committed against women and have failed to effectively deviantize offensive male behaviour" (Schur, 1984:134). As a result, women have been victimized.¹

Nowhere is this problem more clearly evident than in the extensive research done on battered women. Experts, mainly psychologists, psychiatrists, and sociologists, have studied the problem of wife assault by studying women. While some research has been

¹ "Rape is also an example of serious male offense against women which is widely deplored, but which is in practice not severely condemned or punished. The criminal justice system has been ineffectual in its response to the rape problem. It's processes have incorporated the widespread tendency to blame women for being raped rather than to respond directly to the perpetrator" (Schur, 1984: 145). Although many of the rape myths that have existed for centuries are losing their credence, the rape victim is still viewed by the criminal justice system as an 'incredible' woman. (See Jocelyne Scutt. 1992. *The Incredible Woman: A Recurring Character in Criminal Law*. Women's Studies International Forum, 15: 441-460 for a more complete discussion on the issue).

helpful in empowering women, other research has been more concerned with asking questions like "why did she stay?" "Why didn't she just leave?" rather than "Why doesn't he let her go?" (Jones, 1994). By examining the battered women, experts have located the problem of male violence in the woman's response to it. Battered women have been conceived of and described as 'mentally ill', 'masochistic', 'provocative', and 'passive', for not leaving the abusive relationship. Furthermore, through these explanations of battered women, the focus of attention and responsibility has been taken away from men. Although writing male violence from the woman's perspective is important because it provides an understanding of women's experiences, the real problem is male violence. The focus of attention should be on the male batterer.

For centuries, male violence against women has been viewed as something normal. Both society and the criminal justice system have normalized the violent behaviour of men towards women. Male violence towards women has been viewed as "insignificant, and attributable mainly to individual -- and frequently to female -- pathology" (Thorne-Finch, 1992:109). Different explanations, theories, and treatments have focused on physiological or psychological explanations which have individualized the problem and have not examined the long patterns of abuse as a form of male patriarchy (Jones, 1994; Doran, 1994; Thorne-Finch, 1992; Kurz, 1989; Yllo, 1993).

This study attempts to deconstruct discourse on the male batterer from legal documents such as police and probation reports, court transcripts; psychological reports; and women's own accounts to provide the social and legal view. This latter data was collected in a clemency project for women who are sentenced to lengthy incarceration for

committing violent crimes related to the battering situation.² This research rejects the view that battered women are 'abnormal' and attempts to understand the social construction of the male batterer through the use of other people's descriptions. This study makes visible the role of society through its different agents and institutions in constructing, facilitating and legitimizing male violence. The examination and analysis of how the male batterer is constructed can offer alternative views of battered women and abusive men.³ Chapter one will provide a theoretical framework for this analysis using feminist legal theory and criminology. Chapter two critically examines current literature on the syndromization of the battered woman and current literature on the male batterer. Chapter three provides a detailed description of the sample, the data to be used, and the method of the analysis. Chapter four describes how the women in this study construct their male batterers. Chapter five describes other people's construction of the male batterers of these incarcerated women. Chapter six describes the attitudes and responses of the criminal justice system as well as their construction of the male batterers in these cases. Chapter seven presents a summary of the findings of this research on the social construction of the male batterer. It also considers the contribution of this research to knowledge of men's violence against women in general, battered women who kill specifically, and criminological theory which examines how women who commit violent crimes are viewed by society and the criminal justice system.

² Susan Fair, the director of the Michigan Battered Women Clemency Project for Freedom Link, was able to provide 58 case files which included domestic violence interview data, legal interview data, women's narratives, correspondence, pre-sentence/investigational reports, psychological/medical and legal reports.

³ Although most research in the past has been criticized because it has focused too much attention on the male criminal and not enough attention on women, crime and their relation to society (Jones, 1980), this research is intended to study how the batterer is described for the purpose of understanding how male battering is constructed and legitimized.

CHAPTER II

THEORETICAL FRAMEWORK

In order to provide a framework for this current research, alternate explanations are needed to explain how male batterers and their behaviour are constructed, maintained, legitimized and normalized by society and its social institutions and agents. My generic theoretical framework is that of social construction. Social constructionists provide a broad framework for how the various parts of society define their worlds. Social constructionists view individuals as active constructors of their experiences who have unique ways of defining their world. The perceptions and experiences of all agents in society are important to understand how the male batterer is defined.

Although social construction helps to understand how the different parts of society define their reality, a feminist construction is needed to understand how women are defined in society, how women understand their experiences, and how the values, experiences, and behaviour of the male became the standard. The theoretical perspective used in this thesis will be adapted from Ngaire Naffine in Female Crime: The Construction of the Women in Criminology. This perspective analyzes the attitudes and stereotypes of women as reflected in criminological theory.

Male domination and control over women have excluded women from participation in political, economic, and social institutions since the beginning of recorded history. No where is this more apparent than in academic circles and in the law. Naffine (1987) argues that criminology along with philosophy, psychology, sociology, and political science, has constructed reality through a male point of view in which the activities of men are used as

the standard from which all human behaviour is judged.⁴ The results of this discriminatory thinking is distorted constructions of women which do not account for women's experiences, but devalue them. In criminology the standard of behaviour has been the criminal male. Criminological theories such as cultural strain, differential association, opportunity, control and labeling theory have all ignored or dismissed the female from explanations of crime. When attempts were made to explain female crime, women were viewed in terms of traditional male defined stereotypical roles.⁴ As a result, the female was viewed as deviant, while the male was viewed as normal.

Feminists argue that the "normal" male is not presented in criminology 'warts and all'; instead, he is a romantic illusion. The idealized man of the social sciences is by now a familiar figure...That man is autonomous, unemotional, objective, rational, active, assertive, self-determining, competitive, and achieving....indeed there is a unitary construct of the male" (Naffine, 1987:125). Furthermore, there is a uniform unflattering depiction of women in the social sciences. "Women is the 'other', she is 'not the norm', she is dependent, emotional, subjective, irrational, passive, determined, uncompetitive, unachieving, immature, and unintelligent" (Naffine, 1987:126).

Feminist criminologists recognize that it is necessary to examine the role of the law and the state in reinforcing the position of women and men in contemporary society (Gavigan, 1985:48). Naffine (1987) argues that there is the male view which has dictated standards of acceptable human behaviour not only across the social sciences, but in law. The law today is still a patriarchal form of reasoning (Finley, 1989). The law advances the

⁴ For example Docherty (1988:171), as cited in McLean, Lombroso and Ferraro, argued that "as women were biologically programmed not to commit crimes, if a woman was what they termed a 'born' criminal, then she must be biologically closer to the male."

traditional idea of women in which they are passive, nurturing, caring, loyal, and, above all, faithful wives and mothers. Men are viewed as the voice of reason, while women are viewed as the 'other' (Finley, 1989; Kristeva, 1993). The perspective in law of women as the 'traditional woman' is apparent when one looks at the reflected gender bias in treatment of women by the criminal justice system. The law's standard of ideal behaviour is the male not the female.⁵ When it comes to characterizing the nature of a person who is brought before the court, the law invokes the experiences, the expectations, and the values of the male. As a result, when women are brought before the law they are regarded as 'aberrant' or 'abnormal' from the male norm (Naffine, 1987). Hidden within the law is the acceptance of a standard that defines reasonable people as men, not women. Heidensohn (1987:20) argues that female offenders are seen as 'doubly deviant', "as rare, abnormal female offenders for breaking social rules and as unfeminine and unnatural women who have broken out of their conventional roles." Crime, especially violent crime, is an aggressive act that is more characteristic of males according to law and society. Women who are deemed aggressive will be punished for stepping past the boundaries that the law has established as being appropriate. That is, the law is only interested in protecting the 'good' women who remains within the boundaries of conventional femininity. This same stereotyping occurs with violent women in the criminal justice system. However, when a woman becomes violent her behaviour is viewed as more serious. The women who kills,

⁵ For example, the law's 'reasonable man' represents the male point of view. The self-defense law reflects this male bias in several ways. In the case of battered women who kill their husbands, self-defense law does not allow them to explain their situations from their perspectives. First, the self-defense law was developed to apply to assaults between male strangers where the person attacked was assumed to be of the same physical strength, ability, and willingness of the attacker (Comack, 1993). When this law is applied to assaults between intimates of the opposite sex, the law does not offer protection to a female who retaliates.

according to Beatrix Campbell (1992:43), is "exactly what she is not to be. Her act is deemed not only unnatural but impossible, so she is 'unwomaned' by her violence and as this classic aberration, exiled from her community and gender." Nowhere is this more apparent than when battered women kill or commit violent crimes.

Men on the other hand are treated quite differently by law. In order to understand how the male batterer is constructed as normal and how the battered women's behaviour is criminalized, we need to place male behaviour within a social and historical context. According to feminist scholars, there are a few key elements of male violence. Smith (1990) argues that patriarchy has existed and been maintained for centuries in which men's violence towards women was legally and culturally viewed as normal. Under the law, men maintained their power and control over women.

Feminists are concerned with patriarchy, the system of male power in society as the central concern of male violence. They argue that our society is structured along the lines of gender and power. Men as the dominant class have maintained women in oppressed and subordinating positions in society through various ways. One of the most effective ways that men have maintained control over women is through violence.

Within our society, feminists argue, all major institutions in the past, namely legal economic, cultural, and the family permitted, encouraged, fostered, and legitimized male violence. The family, as a social institution, is a crucial component of the system of male power (patriarchy) which can be understood by looking at it from a socio-historical context. For centuries, male violence has been viewed as something normal. This is due to the legal and cultural support that men held to control women. Dobash and Dobash's

(1979) study based on interviews of 109 battered women provides an excellent history of how laws have permitted husband to exercise power and control over their wives. In the 1800's, men had the legal right to physically assault his wife and later on he had the right "to exercise the right of moderate chastisement in cases of great emergency" (Browne, 1987:166). Dobash and Dobash (1979) state that:

history is littered with references to and formulas for beating, clubbing, kicking women into submission. Women's place in history often has been at the receiving end of a blow. This history is a long and sad one - - sad because of the countless women who have been browbeaten, bruised, bloodied, and broken and sad because the ideologies and institutional practices that made such treatment possible and justifiable have survived, albeit somewhat altered, from century to century, and have been woven into the fabric of our culture and are thriving today.

That is, while the nature of the law is different today and does not make any specific references to 'right to chastisement', the attitudes towards women - - where women are still subordinate to men - - still exist and violence is an acceptable or normal way of maintaining this position.

Since the state and cultural norms perpetuate the acceptance of violence towards women, the law treats and labels men differently. Kelly and Radford (1990-1991:410) state that:

the law plays a central role in constructing what counts as crime, and in the case of sexual violence it focuses almost entirely on extremes, thereby discounting many women's experience. Thus, only a proportion of women's complaints are seen as legitimate, according to the law -- legitimating here defined in terms of the actions, behaviour and relationships of the male assailant and the female he victimizes. Thus the law suggests that clear distinctions can be made between violence and not violence, and thereby abusive and 'normal' men.

In other words, a majority of the 'beatings, kickings, stabbings...' that battered women have been subjected to are not viewed as serious, and as a result, the male batterer continues to be normalized. It is not until the woman steps forward with strength and

action that her behaviour is considered too aggressive, too 'unwomaned', too serious; and she is therefore criminalized for killing her abuser. "Woman who kill serve twice as long as men who kill woman. It is still a crime against patriarchy to kill an abusive husband. And I do mean patriarchy, because in fact, the government had no interest in these woman other than the kind of example that would be set if wives struck back against their husbands" (Dodson, 1993:67).

What appears to be most relevant is how male dominance produces male violence (Kurz, 1989). What needs to be demonstrated is how major institutions through their ideologies and practices, define the abuse of women, label the abuser, and respond to women who have accused men of abuse or try to explain their conduct in terms of male abuse. The way male violence has been permitted, condoned and legitimized, over time, has framed how both the victim and offender are treated. While abusive men are viewed as 'normal', their victims are perceived as 'abnormal', 'masochistic', and 'passive'. Academic women have become central in pursuing the study of male violence and ultimately the whole problem of male violence. This reasoning not only affects academia, but also the criminal justice system which identifies women as 'crazy' and locates the problem of male violence in the women who are victimized by it.

In keeping with feminist framework applied to male violence against women which examines how female offenders and specifically violent female offenders have been labeled as abnormal and male offenders as normal, an exploration into literature specifically on battered women, male batterers, and the position of female offenders in conflict with the

criminal justice system is important to reveal this current focus and thought in society, academia, and the criminal justice system.

CHAPTER III

LITERATURE REVIEW

The literature reviewed has been selected from a massive literature on battered women, male batterers, and the position of women in conflict with the criminal justice system which has developed in the past decade. It will be reviewed in the following categories: First, the way in which the women have been syndromized within criminological research will be examined; Second, the characteristics of the male batterer related to wife battering will be discussed; Third, the attitudes and responses of the criminal justice system towards domestic violence will be discussed; and Fourth, the programs for male batterers will be discussed.

a) The 'syndromization' of women

Traditionally, women have been excluded from and ignored by criminological research. When attempts were made by criminologists to explain female criminality, they focused on linking female crime to the inherent nature of woman. Despite the lack of evidence linking the inherent nature of the female to female crime, it has been maintained as an explanation in the law (Edwards, 1984). As well, the courts have acknowledged insanity for centuries, but it has taken many different forms. In the 1800's the Victorian 'ladies' who poisoned their husbands were acquitted on insanity pleas. In the 1970's the PMS defense was used to explain a woman's irrational act of killing her husband (Doran, 1994).

This type of explanation has continued to the present date. In 1987 the Supreme Court of Canada in Lavallee allowed the Battered Woman Syndrome to be as relevant to self defense in cases involving female defendants who kill their abusive partners. This new

development in criminal law was intended to acknowledge prevailing myths and stereotypes about battered women, to alleviate the existing gender bias in self defense laws, to recognize an abused woman's experience, and to let her tell her story (Comack, 1993).

Battered Woman Syndrome was introduced by Lenore Walker (1979) in her research reported in The Battered Women. The Battered Woman Syndrome is used to explain why women do not leave abusive relationships. Women in these relationships are considered to experience 'learned helplessness' after being exposed to a cycle of violence. The victimization they experience entraps them in a way which results in psychological paralysis and inability to leave the relationship. A woman, thus, is described as trapped, helpless, worthless, and vulnerable and is defined in terms of her psychological inability to be an active participant in her choice to stay (Comack, 1993; Martinson, MacCrimmon, Grant, and Boyle, 1991). Instead of seeing the choices the woman made; for example, staying for financial reasons or threats from her husband, women are seen as psychologically unable to make reasonable choices.

Although this new precedent was to improve women's situation before the court, Comack (1993:46) contends that it does not represent a benefit for women in that:

The Battered Woman Syndrome offers an account which individualizes, medicalizes, and depoliticizes abused woman's experience. In this process abused women are transformed into victims - not so much of their male abusers - as of their own dysfunctional personalities.

Cahill and Loeske (1984) also agree that the syndrome does not represent a benefit for women. They argue that the syndrome creates a problem in the way it is designed. -

Defining the problem by asking "Why doesn't she leave the abusive relationship?", assumes that the normative expectation is for a women who is abused to the leave the relationship. If the woman does stay, she is considered deviant and her behaviour is in need of explanation. However, the explanation of 'learned helplessness' that Walker (1979:43) provides "is a psychological rationale for why the battered woman becomes a victim, and how the process of victimization is perpetuated to the point of psychological paralysis." As a result, battered women are characterized as 'passive', 'helpless', and 'irrational'. The battered women is viewed as the problem because she is psychologically unable to leave the relationship. Secondly, defining the problem by asking "Why doesn't she leave the abusive relationship?" not only assumes that battered women do not try to leave the relationship or make the reasonable choice to stay, but also assumes that when a battered woman leaves the relationship the violence will stop. However, in many cases, the violence does not subside until the battered woman kills, or is killed by, her abusive partner. Studies specifically dealing with battered women who kill have found that the decision to leave is not as simple as it sounds. Browne (1987) found that without room in shelters for battered women, places to relocate to, protection from their abusive partners who have followed, harassed, and beaten them, most women in the homicide group (women who killed their abusive partners) feel trapped in a dangerous situation and concluded that their only alternative was to focus on surviving within the violent situation.

Although the intentions of Walker (1979) were to provide evidence for an explanation that moved beyond victim blaming and challenged prevailing myths and misconceptions about battered women, instead, she has added to the already existing research that

'pathologizes' and 'syndromizes' women's behaviours, actions, and experiences. The descriptions that Walker uses to describe the relationship between the abusive man and the battered women are interesting. The focus is on finding an explanation for the irrationality of the women's behaviour and actions. Both the focus and the responsibility are removed from the batterer. Walker's descriptions are replete with references like 'the batterer does not try to control himself', 'his rage is out of control', or 'she provokes the batterer into explosions of rage.' At the same time that Walker pathologizes the women's behaviour, she suggests that the batterer is really not to blame for his actions. In effect, she reduces the social problem of women battering to an individual pathology and only adds to the "socially constructed ideas about women and victimization" (Comack, 1993:49). Walker (1979) does recognize that as long as these myths continue to exist, it is rational to blame the victim for her abuse and excuse or ignore men for their violence. The perpetrator and his behaviour are effectively condoned, legitimized, and normalized.

b) Characteristics of the Male Batterer

Historically, male batterers were viewed as normal, good, responsible husbands and fathers and to this date the male batterer is viewed the same way. As the field of domestic violence continues to expand and become the focus of public attention, there has been a proliferation in studies on the male batterer. Most of the empirical literature on men who batter looks at individual characteristics and situational variables that are related to wife battering. Edleson, Eisikovits, and Guttman (1985) reviewed the research on batterers and found the following five major themes present: 1) violence in the man's family of origin; 2) alcohol use and violence; 3) personal characteristic; 4) demographic and

relationship variables; and 5) information on specific violent events. Although the research of Edleson et al. (1985) was done ten years ago, more current research still supports these findings.

There have been several studies that have mentioned that violence in the man's family of origin may be a possible explanation of why men batter in adult relationships (Stacey and Shupe, 1983; Caesar, 1988; Hotaling and Sugarman, 1986; Browne, 1987). Rosenbaum and O'Leary (1981) found that 64% of abusive men were abused and/or witnessed abuse. However, there have been other studies that do not find a significant relationship between the man's family of origin and present abusive behaviour (Hamberger and Hastings, 1991). Researchers argue that there are reasons for the relationship between the man's family of origin and present violence. First, some researchers argue that if violence is used as a way of dealing with relationships in the home, the children will model after that behaviour (Browne, 1987). Others argue that male batterers are denying responsibility for their violence by blaming their violence on a 'rotten childhood' (Ptacek, 1988).

The extent to which alcohol and drug abuse contribute to battering has been the subject of much debate (McLeod, 1980; Bowker, 1983; Roy, 1982; Browne, 1987). While some researchers find that men are abusive as a result of alcohol (McLeod, 1980; Browne, 1987), other researchers do not find support for that relationship (Bowker, 1983; Gondolf, 1985; Roy, 1977). Bowker (1983) found that men beat their wives when they were drunk or sober. Rosenbaum and O'Leary (1981) found that between abusive and non-abusive men, alcohol use was not significantly different. Due to the fact that there is no strong

evidence to support the 'alcohol relationship', alcohol has been recognized as an excuse for battering.⁶

Many studies have attempted to put together a profile of the male batterer based on personal characteristics (Gondolf, 1988; Hamberger and Hastings, 1991; Bersani, Chen, Pendleton, and Denton, 1992;), psychopathology (Dutton, 1994; Zorza, 1993), and demographic variables (Rolfe, 1985). Men are described as having 'little impulse control', 'low self-esteem', 'feelings of inadequacy', 'lack of self-assertion', 'pathological jealousy and possessiveness', 'severe stress reactions', 'dependency', and 'dual personalities' (Walker, 1979; Sonkin et al., 1985; Claes and Rosenthal, 1990). Joan Zorza (1993) stated that some of the more recent literature claims that many batterers do have psychopathologies. However, she realized that with the feminist movement there has been a large resistance to characterize batterers as having pathologies because these types of explanations ignore the social context in which violence occurs, relieve the batterer of any responsibility for the crime, and ultimately turn the focus away from the male batterer. Explanations of pathology also do not explain why men are only abusive in the home and not outside the home. She argues that pathology might be only one of many factors that lead some men to batter.

Although there have been a wealth of studies that look for the characteristics of men who batter, researchers have been unable to develop a single batterer profile in terms of personal characteristics, psychopathology, or demographics. In fact, some studies have

⁶ See the recent decision (September 30, 1994) of the Supreme Court of Canada, R. v. Daviault, which ruled that intoxication was an acceptable defense in sexual assault cases. This decision demonstrates how the relationship between alcohol and men's violence is viewed by the criminal justice system. Men, in these instances, are seen as not responsible for their actions.

concluded that men who batter are not different in terms of personal characteristics from men who do not batter (Gondolf, 1985; Hamberger and Hastings, 1991). This research has been criticized for 1) measuring isolated variables that are not based on any theory, 2) staying at an individual analysis, and 3) revealing too many inconsistencies. Research should involve theories to explain the causation of wife beating.

Angela Browne (1987), in When Battered Women Kill, conducted a study in which she compared battered women who killed (homicide group) to battered women who did not kill. She found that there were few differences in personal characteristics of women in either of the two groups. However, the following were the several distinguishing factors between men in the homicide and non-homicide groups: 1) men in the homicide group assaulted their partners more frequently; 2) men in the homicide group inflicted more severe injuries to their partners; 3) men in the homicide group made more threats to kill someone other than themselves; 4) men in the homicide group more frequently forced or threatened sexual acts against women; 5) men in the homicide group and their partner's made more threats to commit suicide; 6) men in the homicide group used illicit drugs more frequently; and 7) men in the homicide group became intoxicated more often. Browne's research is interesting because it defies past research. Her study strongly suggests that women are not responsible for their own abuse and suggests that women's behaviour is in reaction to the level of threat and violence by the male batterer (Browne, 1987). This research is important because it implies that perhaps these men in the homicide group went over the edge. Their levels of threat and violence far exceeded the behaviour of the men who were not killed. Possibly these men and their behaviours could or should be classified

as outrageous, crazy and abnormal. From this research, Browne (1987) concluded that it is important to examine the relationship between the partners in order to understand violence between partners.

The most emergent research is based on the structural factors that are related to wife abuse. In this research the social context is important. Feminist explanations of wife battering have been an important exception to the general inattention to the social structure. Feminists agree that the "patriarchal structure and ideologies are a fundamental cause of wife beating. As long as the sexist social context is not taken into account, wives will be blamed for their own victimization" (Smith, 1990:257). There have been many researchers who have tested the assumptions made by feminists that patriarchal ideologies contribute to wife battering (DeKeseredy and Kelly, 1993; Yllo, 1984, Greenblat, 1985; Smith, 1990a; Smith, 1990b) These studies have consistently found that patriarchal norms are related to women abuse. Yllo and Straus (1984) found a strong relationship between patriarchal norms and wife beating. They found that the more patriarchal the norms, the higher the level of wife beating. Furthermore, Greenblat (1985) found that the stronger the belief that women should have traditional roles in work and family, the more likely people were to approve of wives being physically beaten by their husbands.

Researchers have only recently taken the opportunity to talk with batterers about their perspectives on male violence. With the batterer's accounts of their interpretations of their own violence, researchers are able to come closer to an understanding of the relationship between the batterer and the battered. Research of this nature is important because it demonstrates how the male batterer's violence is not a result of external causes

or related to factors outside of the responsibility of the male batterer, rather it is intentional, meaningful and serious.

Ptacek (1988) conducted interviews with abusive men to examine the batterer's role in rationalizing violence and to analyze the relationship between the batterer's explanations and rationalizations for his violence and those explanations that exist in society. Ptacek (1988:141) found that:

the batterer appeals to standard rationalizations in an attempt to make sense of or to normalize his behaviour...most men use both verbal strategies in an attempt to neutralize their behaviour. They tend to excuse themselves of full responsibility, and at the same time, they offer justifications for their abusiveness.

He notes that there is strong support for the several ways in which men excuse and justify their behaviour among the men's accounts. One way the men excuse their behaviour is by denying responsibility by blaming violence as a 'loss of control' due to alcohol or drugs, internal pressures. 'Victim-blaming' was another way to excuse behaviour. Men denied responsibility by stating that they were 'provoked' either by the women's physical or verbal aggressiveness.

Ptacek (1988) also notes that men try to justify, or deny their wrongdoing in a number of ways. Within the sample, the men trivialized and minimized the women's injuries by saying "I never beat my wife. I responded to her physically", "She's not injured, she bruises easily". They also justified their behaviour by saying that she was not a good cook, not a good lover, and ultimately not a "good wife".

Furthermore, Ptacek (1988:149-150) found that not only did the batterers excuse and justify their behaviour, but also used "conflicting statements which result from the batterers' willingness to apply any number of verbal strategies to the task of making the

violence appear normal, regardless of whether the accounts have internal consistency."

These contradictions also included what Ptacek (1988:151) terms a "callousness about their partners injuries...(and use of) goal oriented violence" That is, under all the excuses and justifications the violence was deliberate and used as a meaningful way to control and punish the women.

Lastly, Ptacek (1988) examined the degree to which these excuses and justifications exist in larger society. First, he found that not only did the batterers describe their behaviour as irrational by stating "I wasn't sane", "I just blew up", or "I had no control over myself", clinicians also described the batterer's violence as irrational or psychopathological by including descriptions such as "psychiatric abnormality", "poor impulse control", or "Borderline personality disorder" (Dutton, 1994; Zorza, 1993). Ptacek (1988) notes that although researchers describe batterers in their own way, they all describe the batterer's violence as a "loss of control" and becoming temporarily insane. This view does not see the batterer as abnormal enough to be a psychopath, but also not responsible enough to be a criminal. The batterer is not viewed as psychotic because he is not permanently out of control. Although he loses control, he also regains his control. The batterer is described as experiencing irrational episodes in which he has no control over his violence. His violence is a result of outside forces beyond his realm of choice. The batterer's behaviour is excused, it is viewed as non-criminal and normal.

Ptacek (1988) states that the literature on wife battering is still replete with references to 'victim-blaming.' Psychologists and psychiatrists in their effort to explain wife battering have consistently approached the problem by studying the woman. They have framed

their research by asking questions such as "What is it about these women that causes them to be beaten?" and have managed only to examine "the personalities of battered women....and have pinned 'the problem' on various permutations of the battered woman's psyche from her 'low self-esteem' to her 'self-destructive behaviour'" (Jones, 1994b:900). This 'victim-blaming' research adds to the myths about battered women and effects the way the victim and offenders are differentially responded to and treated by the criminal justice system.

c) Attitudes and Responses of the Criminal Justice System

Throughout the criminal justice system, from the police to prosecutors, to judges, there is a minimizing and discounting of the male batterer's violence towards women that is both reflected in and reinforced by the system. "Left to their own discretion, many police, prosecutors and judges still do not view wife battering as a serious problem. Hampered by stereotypes about the rights of men in marriage and the privacy of the marital relationship, the judicial system often responds ineffectively to protect battered women" (Goldman, 1991:843). Much research indicates that police view wife battering as a non-criminal family matter (Jones, 1994; Stanko, 1985; Freedman, 1985; Edwards, 1989; Sigler, 1989). Sigler (1989:16) notes that "when violence occurs, police tend to arrest the attacker, regardless of the circumstances, except in cases of domestic violence. One study found that 75 percent of assault cases involving unrelated people were resolved with arrests, while only 16 percent of cases of assault involving family members resulted in an arrest." Furthermore, McEnroe and O'Connor (1994) outline a study that states the justice system is failing to punish batterers.

Police records show that officers did not write reports for 45% of the calls they responded to...nearly nine out of every ten people booked for beating, knifing, choking, and terrorizing their partners last year were set free...at the same time, many of those convicted of the worst possible domestic assaults, the felonies -- which by definition cause 'great bodily harm' -- served fewer than three months in the county workhouse...

The police, as one of the many agents of social control, are the key agents within the system, since it is the police who have the initial contact with the battered woman, and who use their discretion in making decisions about the course of action that should be taken. Edwards (1988:158) argues that there are several key factors that influence the use of discretion by the police to investigate, to record, to prosecute and the use of discretion by the judge to distribute an appropriate sentence to the male batterer:

The physical severity and visibility of the injuries sustained; the degree to which women conform to or deviate from female roles of wife, mother, homemaker; the degree to which women are seen as responsible; and the degree to which women are thought to have provoked their own demise either by a) being sexually inappropriate, that is, having friendships or relationships with men outside marriage, being bisexual or lesbian, b) being inappropriate in terms of gender, that is, bad mothers, bad cooks, and bad housewives, c) challenging either the gender assumptions of their expected roles or challenging male domination.

However, when police do respond to calls concerning domestic violence situation, more often than not, the process will not even proceed to arrest. The police officer will only talk to the batterer, direct the women to the hospital for her injuries, and counsel the couple to stop the fighting (Walker 1979 as cited in Goldman, 1991:849). Even with new policies, guidelines, and training to increase the likelihood of controlling male batterers, some police continue to view domestic violence as not a part of their 'real' work (Sigler, 1989; Ferraro, 1989). These actions and responses of the police only add to the attitudes towards male batterers. Stanko (1985:103-104) states:

decisions to arrest or not to charge a suspect with crime, decisions to charge a suspect with disorderly conduct rather than assault, or decisions to refer 'incidents' of male violent behaviour to the social

services instead of the criminal court all affect how men's threatening or violent behaviour comes to be defined as criminal or non-criminal.

The attitudes that are prevalent in the police are also found the court system.

Goldman (1991:855) notes that "prosecutors commonly maintain that domestic violence is a problem for the social service agencies and not for the criminal courts...similarly some judges believe that the criminal justice system is an inappropriate forum for domestic abuse cases." That is, prosecutors do not view wife battering as a serious crime. In wife battering cases, prosecutors have wide discretion since the criteria used to decide when to prosecute are vague. This allows the prosecutor to base his/her decision on other factors such as the likelihood of conviction or the length of the trial and time needed to spend on the case. According to Goldman (1991) and Sigler (1989) women who go to the police and courts are encouraged to drop the charges. Furthermore, this lack of attention to wife battering cases minimizes the criminality and responsibility of the batterer. "Domestic offenders are presented to the court as less violent and dangerous than non-domestic offenders, their crimes being one off mistakes rather than examples of repeated criminal behaviour" (Edwards, 1989:229-230).

In brief, the attitudes and practices of the police, prosecutors and judges toward domestic violence all influence each other and add to the view that men's violence is non-criminal, acceptable, and normal. Goldman (1991) notes that since the police do not usually arrest, the prosecutors do not initiate prosecutions against batterers. When the prosecutors do not prosecute, the judges develop the belief that domestic violence cases are not serious cases, and as a result, when judges get these type of cases, they either give lenient sentences or no sentence. This response by the judge effects both the prosecutors

treatment of the battering as serious and the polices' decision to arrest, In the end, domestic violence is still viewed as less serious and male batterers were viewed as non-criminal, normal individuals.

d) Programs for Male Batterers

The study of treatment of male batterers has remained unexplored until the 1970's when social services became available for men. Treatments were developed for abusive men based on the finding that many battered women were returning to their abusive relationship. However, many assumptions about the "the cycle of violence and personality characteristics of abusers became embedded in the philosophy of treatment for men" (Jennings, 1987:203). First, conceptions of battered men have been based on empirical research that developed personality profiles from the subjective reports of women. Secondly, based on this research abusive men were viewed in an extreme form in which they were 'out of control', 'exploding with rage', and 'uncontrollable brutes' that would not benefit from any 'real' treatment.

Adams (1988) argues that there has been a shift in treatment approaches that include insight, ventilation, interaction, cognitive-behavioural, and profeminist models.⁷ With the exception of the profeminist model, the other models share many commonalities in that they relieve the focus of attention for the batterer and put attention onto external factors. For example, cognitive-behavioural treatments are based on research that men needed help in developing communication skills, asserting their needs, and anger-control management

⁷ For a more detailed discussion on the insight, ventilation, interaction and cognitive models see David Adams. 1988. Counseling Men Who Batter: A ProFeminist Analysis of Five Treatment Models. In Feminist Perspectives on Wife Abuse. Edited by M. Bograd and K. Yllo. Beverly Hills, CA: Sage Publications.

(Adams, 1988; Hart, 1991). This way of treatment provides the idea of battering men that they are somehow 'victims' of their lack of skills and need help to develop. However, many researchers argue that men by using their violence to control and manipulate women are declaring and maintaining their needs. From a feminist point of view, these treatment programs are not focusing on the batterer and his behaviour which gives the message to the batterer that if he can develop better skills, he can and will be non-violent (Adams, 1988).

As the research on the causes of wife battering has grown to include structural factors, such as patriarchy, the field of treatment also moved dramatically in the same direction. From the feminist point of view, violence is socially learned and reinforced by a male dominated society. Power, control, and underlying expectations and attitudes are the main issues that are addressed in treatment (Gondolf, 1988; Adams, 1988). Feminists clinicians argue that by analyzing the male batterer's behaviour and actions in terms of control, it is easier to see why this behaviour persists (Adams, 1988; Currie, 1988). The men's accounts reveal not only issues about the batterer, but issues of how his behaviour is maintained and normalized.

Adams (1988) provides a feminist based intervention for men who batter. He states that "the goals are to eliminate all behaviours on his part which serve to undermine the women's rights as an individual and as a partner" (pg.5). The program for the profeminist model involves many steps including 1) making 'safety plans' which will minimize the possibility of continued violence, 2) educating the batterer about his attempts to rationalize and minimize his violence, and the short-long term effects of violence on the

victim. This treatment includes using control logs to document the batterer's feelings and help them develop an awareness of they controlling violent behaviors and to show the attitudes and expectations behind the behaviour. It is hoped that over time, batterers understand how these attitudes are developed and affect women in society and to accept that they cannot control the feelings and actions of women.

e) Summary

Specific literature dealing with the social construction of a male batterer as 'normal' is sparse. Although researchers are starting to focus on the male (Ptacek, 1988), much of what has been studied by sociologists, psychologists, and psychiatrists are 'victim-blaming.' That is, experts in the field as well as the various parts of the criminal justice system (police, prosecutors, judges) have been differentially labeling the battered women as 'sick' and the perpetrator as 'normal'. What has not appeared in the literature is a micro focused study that examines the application of differential labels to both the victim and the perpetrator. In the newspaper, battered women who kill are the focus, the violence men inflict is downplayed. In the literature abusive men never labeled as 'sick', police never come down on the male perpetrator of violence against women, and when people hear accounts like:

I'd get dragged from bedroom to living room, and when he scorched my back he dragged me in my nightdress on my back, and he burnt all my spine, and I couldn't sit...he grabbed me from the chair, dragged me into the sitting room, to the hall, pulled me halfway up the stairs, then pulled me back down and started to kick and stand on me. And that was in front of his own mum. I was knocked out with the first couple of blows he gave me. He was hammering into something that was just like a cushion on the floor. I had a broken rib, broken leg on the right side, two front teeth knocked out, burst chin -- I've got the scar (Dobash and Dobash, 1979:110-120).

people don't ask "what is wrong with that man?", instead people ask "Why didn't she leave?" His behaviour is viewed as something that is common to all men, as normal.

From this selective review of the current literature available on the syndromization of women and the literature available on male batterers, several guiding hypotheses were derived suggesting what I expected to find in the documents and accounts. First, that men's battering will be normalized by their female partners, by the different agents and institutions in society (police, probation officers, prosecutors, judges). Second, the prosecutors, police, and judges will still rely on assumptions and stereotypes about wife battering. Third, male batterers are likely to use excuses and justifications to normalize their own behaviour.

Even though researchers such as Zorza (1993), Sonkin et al. (1985), and Claes and Rosenthal (1990), previously discussed on pg.16, mention occasional studies on the abnormality of the male batterer, everything in the literature and supported theory suggest men will be seen as normal and women as abnormal. I think this normalization of the male batterer will be reflected in the accounts and responses of battered women, other people, and criminal justice officials. Furthermore, within the literature and theory, women have been labeled as 'sick' by experts in the field and various agents within the criminal justice system. I expect that within woman's accounts and official documents, criminal justice agents will rely on myths and stereotypes of battered women when dealing with battered women in domestic violence situations and battered women on trial for committing violent crimes.

In order to find support for these hypotheses, I examined accounts and documents within selected cases of battered women who have been sentenced to lengthy incarceration for committing violent crimes relating to their battering situation. Chapter IV will detail how I selected cases, collected data from documents and accounts within these cases, and analyzed the data for this research.

CHAPTER IV

METHODOLOGY

a) Introduction

Through the analysis of cases files available from the Michigan Battered Women's Clemency Project, I attempted to understand how the male batterer is constructed. I tried to show how male battering is described in legal documents such as police and probation reports, court transcripts; psychological reports; and women's own accounts. Specifically I looked for the women's, 'other peoples,' and control agents' reference to the batterer as 'sick' or 'psychotic' in order to understand whether or not they construct the batterer as normal.

In order to fully understand what is said in the case files, I consulted with Susan Fair the director and founder of the Michigan Battered Women's Clemency Project called Freedom Link. I also used data collected from a video produced by Carol Jacobsen called From One Prison...., which is a documentary of four battered women who killed their spouses.⁸ The women who were interviewed in the documentary are also part of the cases from the Battered Women's Clemency Project.

b) Michigan Battered Women's Clemency Project

The Michigan Battered Women's Clemency Project called Freedom Link began in April and August of 1990, when Susan Fair posted announcements in all of the women's prisons in Michigan requesting women prisoners to apply if they felt that their

⁸ Susan Fair will be using the data collected (58 files) from the Michigan Battered Women's Clemency Project in the appeal for clemency for women in which their conviction was a result of a domestic violence situation. (Clemency is not the act of freeing an innocent person. It is defined as the granting of mercy to someone deserving of it.) Susan Fair will also be writing a book based on the files.

conviction(s) was the result of a domestic violence situation. For the purposes of the study, a domestic violence situation was defined broadly as "having committed a crime as a result of fear of a man with whom the woman had a relationship" (Susan Fair, Freedom Link). The relationship was not limited to a husband or boyfriend.

Originally, there were 69 women who applied to the project before the deadline of December, 1991. Women who applied after this date were refused because of the large number of cases to sort through.

All of the 69 women who applied reported having suffered severe abuse by men. However, after all of the files were carefully reviewed for consideration, seven applicants were eliminated because it was decided that their cases were not sufficiently connected to domestic violence. Another four women were eliminated from the project because they either failed to communicate with Susan Fair or failed to submit materials that were requested by the project.

The women were asked to provide any documentation that would provide information concerning themselves, their situations before the incident that resulted in their convictions, their convictions and court proceedings, and their prison records. These documents included items such as court transcripts, police and probation reports, medical and psychiatric reports.⁹ Furthermore, volunteers who were students at the University of Michigan Law School, were trained to conduct interviews regarding the domestic violence and legal issues involved in their convictions.¹⁰ Once the interviews were completed, the

⁹ Each of the files are quite large. In some cases, they fill up a many boxes which could be compared to a large filing cabinet. Each of the files vary according to what documents are inside them. In some cases, the women were not able to get police and medical records.

¹⁰ See Appendix A for a copy of both the Legal and Domestic Violence Interview. There are two domestic violence interviews. Domestic Violence interview #1 consists of 120 questions and domestic violence

volunteers produced reports regarding the domestic violence and legal issues discovered in interviews. It was noted that all 58 women were able to provide some, or in most cases, a great deal of confirmation that their convictions were the result of domestic violence situations.

c) Ethical Considerations

Research that involves human subjects require ethical considerations. Many of the cases in this study are highly publicized murder cases that are known to the public through media coverage such as newspapers and television. Currently, workers and volunteers of the Battered Women's Clemency Project are filing petitions for clemency on behalf of women prisoners in Michigan prisons who have been convicted of violent crimes related to the battering situation. Since the behaviour and specific details reported in these murder cases are such that the women can be identified, it was necessary to protect the women. For this study, a consent form was drawn detailing the agreement between Susan Fair, the director and founder of the Battered Women's Clemency Project and this researcher. One part of the agreement stipulates the obligation of this researcher to maintain the confidentiality between Susan Fair and the women prisoners of her project. Furthermore, this researcher agreed to never use the names of the women and any details about the women and their lives that would allow the women to be identified. In keeping with this agreement, throughout this thesis, when the women's accounts were referred to,

interview #2 consists of 19 questions. These domestic violence interviews were designed by Susan Fair, the director of Freedom Link. This thesis was based on the analysis of the data collected by the volunteers and workers of Freedom Link.

this researcher deliberately did not use the names of the women, use pseudonyms, or any other technique so quotes could not be pieced together to identify the women.¹¹

d) Method for Selecting Research Subjects

The method for selecting cases for this research was based on purposive or judgmental sampling. This type of method selects a "sample of observations that the researcher believes will yield the most comprehensive understanding of the subject of study" (Babbie, 1989:269). The sample is based on the researcher's knowledge of the population and the purpose of the study. My selection of cases were based on the knowledge of Susan Fair, the project director, as well as my own judgment. To select these cases, I spent time going through all of the case files. I selected each case based on trying to get a range of crimes committed as well as based on the criteria of which files had the most information and references to the batterer to help me deconstruct both the women's and society's view of the male batterer. There were 15 research subjects selected for this research.

e) Description of the Research Subjects¹²

The women in this study either killed their abusive partners or committed violent crimes related to the battering situation. Most of the women killed their abusive partners. The majority of the women in this study were convicted of either murder I or murder II.¹³ One woman was convicted of armed robbery and another woman was convicted of

¹¹ All of the data used in this research is secondary. The women's accounts were either taken from their interviews or their letters to Susan Fair, the director of the project.

¹² Due to the confidentiality agreement between Susan Fair and the women of the project, as well as Susan Fair and myself, specific information detailing each of the 15 women cannot be provided. See Appendix C for the agreement.

¹³ Michigan murder charges are similar to Canadian murder charges. In Canada, a person is either charged with first or second degree murder.

accessory after the fact to murder. Some of the women were convicted of more than one offense. For example, in several cases, in addition to the most serious crime, the women were also convicted of a felony firearm charge for possession of a gun during the commission of a felony. This conviction results in a two year penalty to be served consecutively with any other sentence(s). The women were sentenced between 1977 and 1993 with most women being sentenced from the mid to late 1980's. All of the women received heavy sentences for the crimes committed. Most of the women received life sentences while a few other women received sentencing ranges such as 10-70 years, 25-50 years, and 22.5 to 37.5 years.¹⁴

f) Method for Analysis of Data

Once the cases were selected, in order to analyze my data, I carefully read through each case, selecting out any references made to the male batterer. Under each file heading,¹⁵ these references were organized according to which document or account it originated from and who made the reference. At this point, the references were organized in note form on lined paper. Specific attention was given to several research questions when selecting references to the batterer. The following research questions were used to guide the data collection and categorization:

*Are battering men seen as 'normal'?

¹⁴ Michigan, for most crimes, uses an indeterminate sentencing scheme in which people are sentenced to a maximum term set by statute and to a minimum term, which is no more than two thirds of the maximum term, set by the judge. A first degree murder conviction results in a mandatory life sentence which means that a person goes to prison for their natural life without parole. For second degree murder and armed robbery convictions a person receive a punishment up to life with a possibility of parole. In Canada, a life sentence is 25 years.

¹⁵In keeping with the confidentiality agreement between Susan Fair and myself, each of the 15 cases were labeled #1-15 instead of using their names to protect the women.

***Is there reference to the male batterer as 'sick' 'psychotic'? in the women's accounts? If there are references in the accounts, is the male referred to in the pre-sentence reports? Is the male batterer's abuse mentioned in any of the reports?**

***Are there psychiatric/psychological evaluations of the male as well as the female?**

***When a women is battered why don't people ask -- What is wrong with that man? What makes him think he can get away with beating up women? Is he crazy? Did the police arrest him? Is he in jail? When will he be prosecuted? Is he likely to get a serious sentence? (Ann Jones)**

***Is male violence against women explained in terms of pathology?**

***What does a man have to do and how far does he have to go before he is/his actions are classified as 'sick' or 'abnormal'?**

***What decision making guide each of the various agents and institutions to deal with a male batterer? Are the various control agents asking questions about the male batterer?**

Once the references were collected and organized accordingly in note form, the documents used during data collection were then organized into nine categories: 1) interview data, 2) pre-sentence report, 3) correspondence, 4) legal documents, 5) prison records, 6) agencies, 7) letters written on her behalf, 8) release of information and confidentiality agreement, and 9) Other. Under each of these categories the related documents were listed vertically down the left hand side of a piece of paper. Then, all of the documents were cross-referenced with each of the fifteen research subjects to form a chart entitled "Documents Within the Files for the 15 Research Subjects."¹⁶ This chart was a useful reference guide when deciding how this thesis could be organized into chapters.

After the chart was completed, I went back to my notes in order to find patterns that existed throughout the selected cases. These patterns formed topical categories for each analytical chapter. In Chapter V, the data collected from domestic violence interviews, domestic violence summaries, and a documentary of four battered women in Michigan

¹⁶ See Appendix B for this chart.

prisons, was categorized in order to show how the women in this study constructed the male batterer. Questions such as “Is the male batterer seen as normal? Is there reference to the male batterer as ‘sick’ or ‘crazy’?” were used in order to examine how the women constructed their partners as normal and how this construction impacts the women as they think of themselves and their situation. In Chapter VI, the data used was collected from trial transcripts and letters written on behalf of the battered women. This data was analyzed with reference to questions such as “Are others aware of the abuse?, How do they describe the male batterer?, Do they see the batterer in the same way as the women do?, Are batterers normalized by other people?” in order to produce somewhat comparable categories and patterns used by other people to those used by battered women in their construction of the male batterer. Furthermore, the data, based on quotes from the men taken from the women’s interviews, was organized in order to understand how the male batterer describes his behaviour. In Chapter VII, the data, collected from trial transcripts, domestic violence summaries and pre-sentence reports, was organized and presented to show how selected agents within the criminal justice system view wife battering through their responses and actions to battered women and battered women who have been charged with killing their abusive partners. Questions such as “Are the various control agents asking questions about the male batterer?, Do they view the batterer’s abusive behaviour seriously?, What decision making guide does each of the various agents use to deal with the male batterer? were answered in order to understand how the agents within the criminal justice system view wife battering and specifically the male batterer.

CHAPTER V

WOMEN'S CONSTRUCTION OF THE BATTERER

This chapter examines how the women constructed their abusive partners as 'normal' and how this construction impacts the women as they think of themselves and their situation. Similar to other research findings supported by feminist theory as applied to violence against women, the women in this study through their descriptions normalize the male batterer. This theme of normalization will be discussed in the following manner. It was found the women developed their construction of their batterers from three different time periods in their relationship. These time periods are 1) Dating: Her Knight in Shining Armour; 2) Commitment, Change, and Concern; and 3) First Incidence of Violence: I'm the Boss! From these time periods emerged a number of descriptive categories of the male batterer. The various categories that will be discussed are different ways the women make sense of the batterer as normal. Furthermore, influences such as family values and the women's beliefs that contribute to the construction and normalization of the male batterer are discussed. It was also found that an interesting pattern developed from the women's construction of the male batterer in which they believed that their partners were "Larger than Life". These themes are discussed in the following analytical sections.

The women in this research from the time they began dating to the time of their crime, go through changes in how they construct their male partner. However, the construction of their batterer is not simple. Instead, Susan Fair notes, they have very complex relationships with their batterer. The batterer is not an abusive tyrant at all times. At times he may play the role of the devoted husband. When the women in this study met

their male partners, they found comfort in his strength and protection because these qualities seemed to be in their best interest. This holds especially true for the women who grew up in abusive childhoods or had previous abusive relationships. Their batterers provided comfort in providing them with homes, with material items and with protection. These qualities of the male batterer play an important role throughout the relationship and contribute to the battered women's normalization of the male batterer.

The dating stage, the women's first concern about their relationship and the first incidence of violence are significant points at which the women's image of their partner changes.

Dating: Her Knight in Shining Armour

At the beginning of the relationship many (9-10) of the women described a relationship that was happy and enjoyable. Prior to marriage they described their partners in the following ways in their domestic violence summaries. One woman said her partner in the early stages of their relationship was:

Someone who respected her wishes...he listened a lot, shared thoughts about marriage, girlfriends, and jobs. He didn't seem abusive, but someone who really cared. He was possessive but had a nice way of putting it...she was most important and he treated her that way...He was the best thing that ever happened to her.

Several other women described how they viewed their partners and how their partners treated them.

She thought he was a good father image and they fell in love...he put her on a pedestal and would do anything for her in the beginning...

He was everything...He would do anything for her family and for her. He represented security and stability. She knew he loved her and she fell deeply in love with him.

It was real steady and pleasant...He was loving and caring...He would talk about it (if they had a disagreement)...He loved and cared about me and he was happy that he had me as his women and he respected me a great deal, because I wasn't like other women he had met in his life.

Another women described her partner as a man who:

would often promise unending love, undeniable trust, unending security and loyalty in the first days of our relationship.

In general, most women believed that while they were dating their partners they had happy relationships and their partners were very loving and caring men who would do anything for them. Through their descriptions of their male partners, the women conveyed these men to be their “knights in shining armour.” It should be noted that one woman did report that her partner was controlling but she did not question his controlling behaviour. She saw the controlling behaviour as caring and she saw him as a powerful man “*who got things done.*”

Commitment, Concern and Change

All of the women, like many other women in dating relationships, made a commitment to either live with or marry their partners. Five women moved in with their boyfriends and the other ten women married their boyfriends. Soon after some of the women (4) made a commitment, they began to have concerns about their relationships. Their concerns revolved around the change in their partner's behaviour, his actions and responses to situations.

In a domestic violence summary, some women expressed their concerns about how their partners started to drink alcohol and smoke crack heavily which led to more verbal

arguments, threats and abuse. One woman said that she started having concerns about their relationship:

after _____ moved in. He began to drink heavily and the arguments increased and _____ began to fight and physically abuse her often. (She also became concerned when) he threatened to beat her with a 2 X 4 because she arrived home late one evening...

Another responded to a question about when she began to have concerns about the relationship saying:

...his ways started changing...he started smoking crack and drinking alcohol...

She went on to describe his behaviour toward her. He would say:

"Bitch, I'm going to kick your ass," and (then he) would start hitting on me and so forth...slapping me in my face and upside my head, pulling my hair, choking me and kicking me...(when he was angry) he said he was going to fuck me up and beat the hell out of me and kill me...

Another woman expressed her concerns about her partner's change in behaviour towards her in a domestic violence interview.

Her first concern about their marriage (was when she) found out he asked another girlfriend to marry him before her. He had decided that it was time to get married and took the one who said yes...two weeks after they were married, they held their reception, he informed her at that time he wanted a divorce.

In each of these cases, the women began to have concerns after their commitment to marry or live together. What is interesting is that one other woman reported that she was aware of her partner's violence towards others and did not have any concerns about it. She never thought that he would hurt her. She thought that his violence was a result of other people "crossing his boundary line". This may be because, prior to marriage, he

was nice to her and did not give her any reason to be concerned. Therefore, she did not report any concerns until he began to drink, and to verbally and physically abuse her. Furthermore, this explanation of her batterer's violence indicates that she did not believe that this type of beating was the result of any sadistic tendencies on the part of the man, but a necessary form of action toward people who had gone too far. That is, she believed other people caused him to be violent.

Although this is an important stage because the women expressed their concern about their batterer's change in behaviour, the batterer had already gained his partner's love and trust. Therefore, these concerns were not taken as serious warning signs by the women. However, for many women, the first incidence of violence proved to be another important stage in their relationship with their batterer.

First Incidence of Violence: I'm the Boss!

The first incident of violence occurred for most (11) of the women shortly after they married their male partner or began living with him. The women described incidents of abuse that were physical, verbal, emotional and sexual in nature. In a domestic violence summary, one woman reported:

The first incident of violence occurred on the night of their marriage...she was fearful after that, knowing that he was showing her he was the 'real boss'...The first incident of emotional abuse occurred soon after their marriage. He looked at her as 'if she was out of her mind' and said to her 'you don't go anywhere without asking me first - you are now my wife.

After the initial violent incident, the violence escalated for all of the women. While some of the women reported being beaten once a week, other women reported being beaten on

a daily basis. Susan Fair explains that at the beginning of the relationship the batterer is usually not violent all of the time. His control over his partner is not fully established, and therefore, he has an incentive to hold back.

The violence that the batterers inflict can be viewed as a form of punishment or a way to exercise power and control. In many ways this corresponds with earlier work done by Dietz (1969) in Violence and Control in which she discusses the common uses of violence approved in a violent subculture such as punishment, retribution, control, prestige or position, and release of tension. Within domestic violence situations, punishment and control appear to be two commonly accepted uses of violence by batterers. According to Dietz, violence as a punishment is reserved for situations when a strongly sanctioned value has been violated. For male batterers, the strongly sanctioned value is the belief that the man is the master of the house, he is to be obeyed by his wife and children. Violence can also be a means of controlling the behaviour of others by preventing them from engaging in certain actions and forcing them to comply against their will. In domestic violence cases, male batterers use violence to prevent their partners from engaging in any action that they do not agree with. The women in this study recognized their batterer's instances of violence and abuse as punishments. For example, two women described their experiences in their domestic violence summaries:

_____ ripped the phone from the wall once...He pushed her back into the wall and ripped the phone from it's outlet, saying if he wanted the phone answered he would do it. As this was shortly after they were married, it is one of the times _____ recalls as 'teaching her a lesson'.

...if she was not back in time she was subjected to various forms of punishments such as tossing her around, beating her, tying her up, chaining her, hitting her in the face with a phone. When she refused

to have sex with him he suffocated her with a pillow, and threw her out of the house naked.

In each of these cases, the batterer attempted to punish as well as control his female partner. The various acts of violence inflicted by the batterer are punishments for not obeying his demands. One woman illustrated this point clearly when she reported what her batterer said when he inflicted violence. She said, *"He would pull my hair, kick me, and say, 'That's what dogs get when they don't obey their master.'"* Through these acts, the batterer conveys to his partner, *"this is what happens when you do this."* His violence is intended to *"teach her a lesson."* His violence is also intended to prevent her from doing certain actions such as picking up the telephone or coming home late again.

When the batterer gives his female partner a beating he feels the thrill of power which is reinforced in subsequent beatings. He is satisfied. One woman reported, in domestic violence data that *"after an assault _____ was 'content'. He didn't say or do anything, then or later."* After this first attack, Susan Fair notes that there may be months in-between incidents, however, later on with each incidence of violence the batterer seems to become addicted to the thrill of the power and to his total control.¹⁷ At the end, Fair says that *"he is a tyrant looking for an excuse to hit her."*

Each time the women were beaten, the violence seemed to become more brutal, more frequent, and more diverse. These incidents added to the concerns that they had about their relationships and compounded the fear they had for their batterers.

Throughout the relationship the women in this study go through changes in the way they view their batterer. The women in this study described their batterer's behaviour in a

¹⁷ In discussion with Susan Fair on domestic violence, she explained the escalation of the male batterer's violence over time.

number of discrete categories which will be discussed below. Although these categories describe different kinds of behaviours many women used more than one category.

The Batterer as Controlling

The women in this study constructed an image of their batterers as extremely controlling. After they were married the batterer controlled their lives in many ways. At the beginning of the relationship the batterer's control is usually not as fully established. In Susan Fair's words "at the beginning the batterer is not aware of his control and the batterer has an emotional incentive to hold back. He has to gain her trust and her love." For example, early in the relationship the batterer would share his thoughts, discuss issues, and care for his partners every need. After marriage or cohabitation, he asserted subtle control tactics such as always having to win their arguments and he constantly told her that she could do nothing right. The batterer is seen as gaining more control over his female partner in every aspect of her life. Batterers, in most cases, restricted their partners social contacts. Many of the women recall having told whom they could have for friends and whom they could visit. The women, in many cases, were not allowed to have any friends and were not allowed to visit or call family members. They felt that this isolated and kept them from remaining close to friends and family members or telling them about the abuse. Relationships with friends and family ever limited and eliminated, with many of the batterers relying on controlling tactics such as following their partner wherever she went, and requiring her to call him during her lunch hour at work. The women mentioned that batterers called to make sure they were at home or got permission to go out. Some

women, in their domestic violence summaries, described ways their batterers controlled them.

In the first couple of months under the guise of being the loving and attentive husband he called her regularly throughout the day and often came home in the middle of the day ostensibly to take her to lunch. Before long, however, he dropped the facade and simply demanded that she have no contact with anyone without permission and that she account for all of her time.

When he was home he unplugged the phone. When he wasn't (home) she could answer if it rang and could only talk to himself or her mother.

He required her to sleep next to the wall. He would then know when she woke and got out of bed...she attempted to get up and answer the phone and he would not allow it. He pushed her against the wall and unplugged the phone.

Other women reported that their batterers assumed more control over them when they were going to leave or did leave him.

When _____ thought we were going to leave that's when he took the alternator off my car, the phone off the wall and he took the money.

By the time my husband caught up with me here and moved back in with me, I had no control. I no longer had keys to my house. I no longer had keys to the car. I couldn't go anywhere by myself except to work and even at work my husband could call me 2 or 3 times a night to check to see if I was there...he would stop by to check to see if I was where I was supposed to be...He would watch the amount of time it took me to get home from work at night. He would clock the mileage on the car...he had total control...I was threatened over and over again that if I ever tried to leave like I did when I left _____ then he would find me again and kill me.

In all of the above cases, it is clear that the batterer deliberately sets out to make sure that his female partner does not leave. These examples suggest that as soon as the batterer

regains his wife - - his possession in her mind - - he re-establishes the control and asserts his power over her to let her know who is "boss."

These batterers also controlled by name calling. Many of the batterers relied on calling their partners demeaning names which some women began to accept as legitimate after a while. For example, one woman explained in a domestic violence summary:

He would tell her that she was a bad cook, real ladies don't play cards, she had 'no sense.' All of these things made her wonder if it was really her fault...maybe she was crazy...

Other women reported that their batterers controlled how they dressed, how they spent their time and how they spent their money. Many of the women who worked were forced to give up their pay checks. Some of the men went to their partner's place of employment and demanded that they turn over each of their pay checks. The women's money became the batterer's money and he was in control of dispersing all of the household funds. Most of the money was used for the batterer's activities such as drinking, gambling, and other women while the women had no money of their own and no right to their batterer's money. One woman reported that, *"he took her pay from her and said it was her rent, then he made her ask for money to buy things."* Some of the women were not allowed to work and were forced to stay at home. Their role was to stay at home to care for the house and children.

In summary, the batterer's behaviours such as controlling the money, the food, social contacts, basically controlling every aspect of his partner's life, achieved, maintained, and reinforced his feelings of power and control; while at the same time, it intensified the

women's belief that there is no escape. The women felt like "*prisoners trapped in a hole...*"

The Batterer as Captor

Some of the women described their batterers as their captors. They felt as if they were held as prisoners in their own homes. One woman reported that "*I became like a prisoner...I had no contact with the outside. I was stuck there trying to find a way to get out...he was determined I wasn't leaving.*" Their batterers accomplished this 'imprisonment' through various control tactics such as threatening her if she left the house, not allowing her to carry her own set of keys to the house and car, and using the dead bolt locks and removing all the telephones from the house. One woman explained at her trial how her batterer prevented her from leaving:

He would move back into the house and he would keep me in the house either by calling into work, having my son call into work, and (he would) lock me in the house until such time he could keep me under control, that I would not open my mouth.

Another woman noted that after a particularly violent incident the police did not take action to arrest her batterer, and the batterer was able to track her down and threaten to kill her mother and sister. She says, "*terrified, I went home to my prison, he was my captor.*" In brief, these cases illustrate the belief of the women that there is no escape. They are terrified but make the reasonable decision that there is no way out and try to survive within the violent situation.

The Batterer as 'Jekyll and Hyde'

Many (5) of the women described their batterers as having a "Dr. Jekyll and Mr. Hyde" personality. They reported:

Sometimes he could be so nice, but other times he went crazy when things didn't go his way.

One minute he would be kind and considerate and the next he would turn on her like an enraged animal.

He was nice at times, then he'd start beating me, the beatings coming more frequently.

Just like Dr. Jekyll, who discovered drugs that enabled him to transform himself into a vicious and brutal creature named Mr. Hyde, is the way these women describe their batterer's unpredictability. The women referred to their batterers as drunks, alcoholics or drug addicts "whose personality changed as a result of these drugs and alcohol."

Drinking seemed to play a big part in their construction of the batterer. Most of the women believed that drugs and alcohol were responsible for the behavioural change in their partners. One woman reported, in a domestic violence summary that her batterer:

...was an alcoholic. Those nights she waited in fear because she never knew what would happen when he got home.

Two other women described what happened when their batterers would drink:

He would drink and act like Dr. Jekyll and Mr. Hyde.

When he was drinking, he was very, very abusive and physically he would...she also stated that when he was sober he was...he could be and was at times a loving and caring type person. But he was drinking an awful lot and that's when he was so abusive.

Although some of the women reported that their batterer was also violent when he wasn't drinking or high, they most often stated that he changed and became more violent and

more abusive towards her and other people when drinking or taking drugs. They also reported that they were afraid of him “every time he was high and drunk, and that was like an everyday thing for him.” This explanation for his behaviour puts the blame for his violent behaviour on the alcohol and drugs, and thus takes the responsibility away from the batterer.

The Batterer as Abusive

All of the women in this study described their batterers as abusive in several ways. In their domestic violence summaries, one way in which the batterers abuse their female partners is through intimidation. When the batterer was angry he would intimidate his partner by calling her demeaning names such as “*whore*,” “*bitch*,” “*crazy*,” and “*stupid*.” Many of the women reported that these names made them feel like less of a person. Another way the batterer would intimidate his partner was by destroying personal possessions, by ripping her clothes, ripping the phone out of the wall, and smashing and throwing items in the house.

He would intimidate me by destroying pictures, letters, clothes, address books and telephones...he would rip my shirt and the phone out of the wall and wrap it around my neck...he would throw cups, shoes, clothes, whatever he could get his hands on...he would put fear in me by his looks and his actions.

Women also described how their batterers were regularly critical of everything they did:

She could do nothing right in his eyes. She couldn't cook so he routinely threw (away) the breakfasts and dinners she made. Even though her mother had abused her until she cleaned to perfection, he felt she could not clean. When he was dissatisfied with her cleaning efforts he 'tore up' the house. She couldn't dress properly so he often physically dressed her...

The batterer showed many other behaviours that were characterized by their victims as abusive. For example, many of the batterers forced sex on their female partners. One woman reported in a domestic violence summary that *"two or three times a week ... would force her to have sex 'anyway and everyway possible'. When drunk he could not be satisfied and would force sex three or more times on _____ in an evening. 'Sex became like a punishment for me...'"* These examples of abuse are ways in which the batterer abused his partner to achieve and maintain his dominance. These types of abuses affected the women by making them feel degraded and feel as if they had really done something to make their batterer act that way toward them.

The Batterer as Violent

The majority (14) of the women described their batterers in ways that showed they viewed their batterers as violent and dangerous. The violence that was inflicted upon the women took many forms. There are numerous examples of the beatings by the batterer and reports of the injuries that resulted from the violence. One woman reported in domestic violence data:

*My mother who lived near me for a long period of time never saw me without black eyes. I had my nose broken numerous times...I had knife wounds on my stomach, on my arms...His favorite thing was to leave black and blue marks all over my face...he held me down and bit chunks in my leg breaking blood vessels...he choked me...he strangled me...*¹⁸

Also, many of the women in their domestic violence summaries reported that they were beaten by their batterers while pregnant. For example, one woman stated:

During both pregnancies, when she was 5 to 6 months pregnant he began to beat her brutally, often punching her in the stomach. During

¹⁸ While some batterers leave visible facial cuts and bruises, others carefully choose spots that are hidden.

the second pregnancy, he beat her so severely she began hemorrhaging. He refused to help her...she almost bled to death as a result.

Throughout their domestic violence interviews and their correspondence to the volunteers of Freedom Link, the women provided numerous incidents describing incidents where their batterers had been violent. Some of the women reported that the batterer was violent towards her children over "*slight and imagined provocations.*" For example, one woman, in a domestic violence summary, described her batterer's behaviour towards her children:

He would beat the children for mistakes in their homework, accidents in bed, for failing to perform assigned tasks well enough and fast enough. One of the children was beaten for not cleaning the kitchen as well as he anticipated.

Batterers were also violent towards their partners when they tried to protect their children.

Some of the women reported that violence towards their children was one of the reasons why they killed their abusers. These women described their situations in their domestic violence summaries. Two women explained that they did not want to kill their abusers, but they felt that their children were in danger:

I have cried many times over my husband's death, but then I ask myself would I rather live with his death or live with the fact that he may have killed one or both of my children?

I didn't mean to do it. I killed him...He shouldn't have been messing with my kids...He shouldn't have been beatin' on my boy...He made me do it...

Another woman reported that she was reminded of her childhood and did not want her daughter to suffer the same way she did.

She did not want to kill him. She did want, however, to stop him from hurting her baby. After he had thrown her baby on to the couch, she no longer saw her husband, she saw her abusive father...

In the above cases, even though the women explained that they killed their batterers because they were hurting their children, the women expressed remorse for their actions. This type of response suggests that the women, even after all of the abuse, do not view their batterers as crazy, mean, vicious, cold and calculating men that deserve to die. Their construction of their batterer is more complex. Their responses are often due to the fact that these women still cared their batterers. They had invested a part of their lives into a relationship with a person who was violent and abusive part of the time. They wanted to help their batterers. The women blamed themselves because their batterers always convinced them that everything was their fault.

One of the major consequences that women reported in their domestic violence summaries was being beaten for not doing exactly what their partners wanted. For some women:

...any deviation or imperfect compliance with his demands would normally result in a beating...

One woman reported that:

...she needed permission to go out...when...where...and if she was not back in time she was subjected to various forms of punishment...for example, he would toss her around, beat her up, tie her up...

These examples illustrated that the women were beaten if they did not fulfill the needs and expectations of their batterers without question and comply with whatever their batterers wanted whenever they wanted it.

Several women reported that their batterers used violence to keep them from leaving. In one particular violent incident a woman reported that she awoke to find her body and her bed on fire. Her batterer had set fire to her bed deliberately because he said, *"I told you, bitch, if I can't have your nobody will...The burn will mean that you'll look everyday in the mirror and see me..."* His response to the burning was, *"see I told you and you didn't listen."*

One woman, however, gave a very different reason for why her boyfriend beat her:

I think that he had a deep sickness. I don't think that it started with me. I think that it goes way back. He used to talk about how his mother used to beat him...there must have been something in me that reminded him of his mother and maybe he felt good because he was getting revenge on his mother by beating me up.

In this instance, the woman either rationalized her abuser's behaviour for him or accepted her batterer's rationalization by blaming his violence on his childhood experiences. As a result, she didn't view the batterer as responsible for his violence.

Other women reported, in their domestic violence summaries, that their batterers did not just beat them when they were disobedient, but *"beatings also frequently occurred when he simply had a bad day or for no known reason whatsoever decided to inflict one."*

The women in this study were affected by their batterer's violent behaviour towards others. One woman who witnessed her batterer being violent towards his adopted child was affected by this. She reported being frightened and disturbed by the violence because she was powerless to influence his behaviour. This woman recognized at that point she could never be the person he wanted her to be. Many of the women tried to change their behaviour, their appearance and their thoughts to please their partners, to keep the peace

and to stay away from future violence. However, the women realized that their batterer's behaviour was not being controlled after witnessing that their batterer's violence extended not only to themselves, but to others. This is a very frightening realization to these women. With the feeling of not being able to count on family, friends, or police for assistance some women see no other alternatives but to kill their abusers.

The Batterer as Uncontrolled

The women in these situations describe their batterer and his violence as "*uncontrollable*" or "*in a rage*". Other people also talk about batterers and their behaviour as "*uncontrollable*" or "*flying into a rage*". Descriptions such as these imply pathology, insanity or madness. They imply that when batterers beat their partners they are doing something that they would not normally do, they did not mean to do it and that they are unable to control. These explanations suggest that batterers can not be held responsible for their actions. Research suggests that much of the violent behaviour is controlled (Dietz, 1969; Athens, 1980). In many cases, batterers control the level and frequency of the violence towards their female partners and children. They stop beating them when the police arrive and start beating them again after the police have left. Batterers exercise control in meaningful ways such as limiting marks to areas that are not visible or limiting violence to when certain others are not present. Their beatings are often purposeful, well-planned and implemented strategies to control their partners.

In some instances, the batterer was characterized as possessing a volatile temper. That is, the women felt that the batterer's behaviour was very unpredictable, could change quickly and was very explosive. For example, one woman reported that her batterer

punched her in the chest for no apparent reason. Some of the other women, in letters written to Freedom Link, gave examples of their batterers temperamental behaviour. Two women reported that their batterers would go into rages or lose control:

if there was a bit of wilt on a leaf of lettuce or if things didn't go his way

Another women reported that:

A normal conversation might cause him to go into a rage.

Two other women described their batterer's actions when he was in rage:

He tore up the pictures of her children from her first marriage in a fit of rage. He cut up her credit cards. He punched walls and said, "see what I'm gonna do to you? I'm gonna make mincemeat outta you."

I went through beatings...was pulled out of bed in the middle of the night, pregnant, kicked in the stomach and ribs, head smashed up and down on the slate floor, picked up and thrown across the living room to land on the slate and have my head hit up and down on the floor.

These examples suggest that the women explained the batterer and his violence as out of rage. The women suggested that almost anything could make the batterer violent.

What is interesting is how often the batterer carried through on his threats of violence. The women reported that their batterers "*carried through on his threats when he felt like it*" or "*every now and then.*" It is more likely that the batterer's behaviour was not out of control, but rather that his threats and his violence were planned and had a purpose. He used them when he wanted to reinforce his power.

These types of incidents left the women in constant fear and paranoia because they never knew when or what would happen to them. Ultimately, they had no control. Early in the relationship, the women adjusted their behaviour to the ways their batterers wanted

them to behave, but when their batterers would go into “*fits of rage*” at any given moment, the women were left “*terrified every minute (they were) alive.*”

The Batterer as Deceitful/Manipulative

The women also described their batterers as being extremely deceitful and manipulative in order to control them. One instance in which they were manipulative was when their female partners had been abused. Many of the techniques described by the women in this research are considered typical behaviours for batterers. In Walker's (1979) work on the Battered Women Syndrome, she describes a three phase cycle for a battering relationship. The three phases include the tension building phase, the acute battering incident, and the calm loving respite. The tension building phase is characterized by minor incidents which escalate over time until the second phase, the acute battering incident, in which there is a serious beating by the male. The batterer is described as “in a rage”, “out of control” and unpredictable. In the last phase, the honeymoon stage, the batterer apologizes for his behaviour and promises that he will never beat her again. The women in this study recognized that their batterers tried the same tactics to get them to stay. One woman described, in letters to Freedom Link, that her batterer would make promises such as:

“I ain’t gonna hit you no more.”(and then) he would be affectionate and loving, and she would give him another chance.

Another woman described her batterer’s typical behaviour:

He would come over to my house drunk and then he would want to fight me, start pushing on me, hitting me, punching and pulling my hair. Then he would say that he was sorry for hurting me, then he would say he loves me...

Other batterers relied on gaining their partner's sympathy in situations. One woman reported that her batterer:

...got a gun, put it to his head and said, "I would rather die than have you leave"...(then) he began crying...

Another woman reported that after being abused, her batterer would:

...cry and say he loved her and (say) that he did not mean it...

The women felt that these apologies were convincing and they viewed their batterers with sympathy. Some of the women in this study felt sorry for their batterers mainly because of things that they had happened to them in their past. They described their feelings in their domestic violence summaries. One woman said:

I saw the fear when he was around his dad and identified it with my stepfather. I felt sorry for him.

While another woman stated that:

...she felt sorry for him and wanted to help him overcome his hatred for his stepmother...(she says) he frequently talked about wishing his stepmother dead.

The women felt sorry for their abusers. They related to them and believed that they understood the behaviour used toward them. They often felt *"the only thing you always feel inside you is that somehow you have to help him, you have to make a difference...you can change everything if you can just be the right person"*.¹⁹

These were very convincing apologies for the women, especially because the majority of the women still loved their batterers and wanted to believe that the relationship could work. All the women reported wanting to have a normal, happy family and home life.

¹⁹ See the documentary From One Prison which examines the lives of four of the Freedom Link battered women who are in prison for killing their husbands.

Therefore, promises by their batterer's to change and moments of sentiment and emotion played on the women's feelings and hope. One woman wrote in a letter to Freedom Link:

You don't spend your whole life with someone like him if you didn't love him. Do you know what real love is? It can hurt you but you keep hoping and hoping he will change. There is always that little bit of hope.

The way the women think about their batterers frequently leaves them with some hope that their batterers will change. The batterer does at times give them reason to believe that he will change, but then he changes back again, especially when he drank or used drugs.

The Batterer as Jealous and Possessive

The women in this study also portrayed their batterers as extremely jealous and possessive. The batterers did not want their female partners to become friends with anyone or to stay in touch with current friends and family members. Most of the batterers were also jealous of other men. This was evident from reports of the batterer's accusations and their behaviours. The batterers often accused their female partners of having affairs. In a domestic violence summary one woman reported that:

Her boss knew what was going on in the relationship and understood her problem. He offered her an assistant manager's job, which she wanted but needed extra training meaning she would be spending more time away from the house and when she did she was accused of having an affair with her boss.

These men also accused their female partners of not being where they said they would be, of being attracted to different people, and of being lesbian. For example, in a domestic

violence interview, one woman reports, *"he complained that she threw herself on people and that all of her flirting drew attention to her."*

When these batterers became jealous, they not only used accusations, but physical violence to show their partners who was "boss."

One day, as she was waiting for the bus to the hospital, one of his friends offered her a ride...The friend ran into him later that day and mentioned that he had seen her and had offered her a ride. He came home jealous and enraged. He called her a 'bitch' and a 'slut' and proceeded to beat her.

Once at a party he became jealous of the other men paying attention to her. He took her home and beat her.

Again, some of the women in this study thought that drinking was associated with their irrational jealousy. For example, one woman reported that *"he began drinking heavily and became irrationally jealous and possessive."*

In addition to jealousy, the women, in their domestic violence summaries, also portrayed their batterers as very possessive. This is quite apparent when the batterer spoke to his female partner. For example, some women reported that their batterers made statements such as *"You don't go anywhere without asking me first, you are now my wife, I told you, bitch, if I can't have you nobody will..."* Other women reported that *"...he did not want his wife and children to belong to another man,"* or *"... he always got what was his..."* These statements illustrate that the batterers' possessive behaviour was apparent in the threats to his female partner. The message the women got was that they were possessions who nobody would own except the batterer.

The Batterer as Adulterous

Some of the women in this study described their batterers as adulterous. Some men were alleged to “hang around” with other women at bars. Other men actually brought their girlfriends home to flaunt in front of their female partners, while still others bragged about their lovers. One woman, when talking about her batterer, reported in a sentencing brief that:

He made his brags about another lover named _____ in Ohio. _____ in Cleveland. He talked about his lovers to further harass and humiliate her. He had an open affair with _____ in their home. When she confronted him he laughed and said, “It’s like the three bears, who’s been sleeping in my bed?”

He also would:

...show her gifts that _____ and him bought for each other.

One woman reported that throughout her marriage her batterer openly engaged in heterosexual and homosexual extramarital affairs. When she confronted him about his open heterosexual affairs, he laughed or sometimes he beat her for asking. One time he assaulted her and “*slammed her up against the wall, twisted her arm and smashed it against her ribs and stomach*” because she interrupted him with his girlfriend. Another time, she found him in bed with a homosexual lover and when she confronted him, he just told her “*try it, you might like it.*” Other men told their wives that the reason they had affairs was because “*she couldn’t have sex the way he wanted.*” What is interesting about the batterer’s behaviour is the open flaunting of affairs in front of his female partner while maintaining a jealous and possessive attitude about her relationships. These adulterous

behaviours appeared to be used to belittle and antagonize female partners. They were also one more area in which the batterers achieved and maintained dominance.

The Batterer as Mean

Some of the women portrayed their batterers as mean or having a mean streak. These women were talking about their batterer's general character, his attitude and general way of treating people. One woman wrote in a letter to Freedom Link that her batterer was mean to the children:

He corrected them more than he should have...when he was mad at the children he would point his finger at them in a mean way and if he would say for you to do this in a certain way and if you didn't do it, he was going to – he would always say, 'If you don't do this I swear on my mothers life I will beat you. I will spank you with a belt.

Other women reported in their domestic violence summaries, that after beatings their batterers would not take them to the hospital. One woman reported that:

Once he hit her with such force as to break her nose. Yet he did not take her to the hospital for treatment, nor did he permit her to go on her own.

Other batterers demonstrated that they had a mean streak in how they thought about and reacted to their actions towards their female partners. In their letters to Freedom Link, some of the women described situations in which their batterers were mean. One woman said:

While I was lying in the bed he got up to go to the restroom and started urinating on me and started laughing about it. While I was sleeping he put his penis in my face to wake me up and started laughing about it. In public he threw a cup of urine on me because I wouldn't give him any money...he laughed and bragged about it to his friends.

While another woman said:

Another time he let his pet skunk out and I didn't know it and I went into the kitchen and "Stinky" attacked my foot tearing the flesh and the tendons. I was bleeding profusely and yelling for him to help me. He didn't come...I could hear him laughing and then he came in and called me a sissy.

These incidents imply that the batterer had no remorse for his actions, and in fact, took pleasure in being cruel.

A few of the batterers were violent towards their partner's pets. One woman reported that her batterer:

...used to beat my pets - 2 cats - which he broke their paws -- tied them up etc. - as lessons for me.

Another woman:

...had a small dog who usually ran to meet his master when he came home. One particular time he did not want to be bothered with the dog and so he picked him up and threw him against the wall.

In addition, the women also reported that their batterers were mean because of the words they used and the manner in which they said those words. Most of the batterers made demeaning comments towards their partner's being. For example, batterers often made comments such as *"Your (are) a fat slob and a pig!...lose weight or I'll leave you"* or *"You're useless...unworthy...no good...You deserve nothing..."*

The Batterer as Lord and Master

The women in this study also described their batterer as the lord and master of the house mainly because of the way he treated them and his expectations for his female partner. Many women believed that their batterers expected them to be servants and they treated them like servants. In domestic violence summaries, many women described what

their batterers expected from them. Their batterers expected their wives to be “*servants in every way.*” That is, “*she must have dinner prepared, house cleaned and always willing to have sex...*”. Basically, “*she must submit to his every command...men do what men want...she was to do what the man told her to do, his way was always right.*” One woman reported her batterer’s ideas of male and female roles:

The male is most definitely superior in everyway and that the female role was to be completely at his disposal and that he have absolute control of every aspect of her life.

These examples suggest that the batterers were seen as believing their partner’s role was to be subservient while they were the masters who had control over every aspect of their partners lives. These types of beliefs were evident in cases in which the couple was married or living together. When the men moved in, they asserted their rights over their partners and through threats, other control tactics and acts of violence, they remained in control.

The Batterer as a Fearsome Individual

The batterer, through his controlling behaviour, his acts of violence, his acts of intimidation, and his threats to harm and kill, instilled fear into the women and made them believe that there was no escape. Over the course of the relationship the women became more fearful of their batterers to the point where they were “*living in a state of constant fear and paranoia...where there was no control left...and they knew there was no end to the threats and violence.*” Most of the women regarded their batterers as very fearsome individuals “*who had all the power in the world.*” One woman reported in domestic violence data:

I was scared to be in the house. I was scared to be out of the house. I would hurry to get out of the house. I would hurry to get home to make sure the children were okay... The night my husband died he harassed me all day at work. He was drunk...fear was building up...I had to go home to my children...I had to go home to him.

The women confirm that their batterers attempts to instill fear were successful when they talked about how they felt after they killed their batterers or after their batterer had gone to jail. One woman reported:

I am still so full of his fear and this man has filled me with such a fear of him that nothing can be done to protect me from him. No matter what happens he'll always get me...with that in my mind I'm still thinking now he is going to hurt me...now he is going to kill me.

This reaction is understandable considering the way the batterer threatened her and carried out his threats. He ruthlessly tracked her down if she tried to leave, terrorized her, played crazy mind games, and brutally beat her. As she reports, he convinced her that there was no escape and made her believe that he had the ability to inflict violence upon her at any time, anywhere without defeat.

But I Still Love Him

After all of the pain and suffering, terrifying moments, the beatings, cruelty, belittling, death threats, many (8) of the women in domestic violence summaries reported that they still loved their batterers. One woman said:

I still love him and miss him...we did have some good times before his lucid periods became further and further apart...

Another woman thinking back to her relationship with her batterer reported that:

She wanted to believe him when he said he would change and eventually she would let him back (into her home)... "I felt so scared of him, but yet I loved him deeply. It's hard to explain."

At her trial, another woman:

...testified that yes, she loved her husband, that even after he died she felt remorse.

It is difficult for the women to explain why they still love their batterers. However, many women in non-abusive relationships maintain that they love their partners even when they are treated poorly. They hold onto past fond memories and convince themselves that their partners will change. Similarly, one woman in this study said:

During our lives together he had threatened me, lied, abandoned (me), and had been unfaithful (to me). Often I would say "if I don't have him I'll be all alone!" Just having him part of the time I felt was better than not having him at all. This went on for years and years. He threatens, I get angry and leave, he would repeat his sweet words and play the role of the devoted husband. I would convince myself he had changed. He would cheat again, I would get angry, and the cycle would start over again. Each time my spirit would die a little more and yet I would still continue to take it and make excuses for him.

Susan Fair, in a discussion I had with her, explained that the women do not see their batterers as totally mean and abusive people. The women remember their batterers as "very sweet and very kind and very, very charming" towards them at times.

Furthermore, they realize that their batterers have provided for them, if not money and living quarters, they provided protection. Protection, according to Susan Fair, is a big issue for many battered women, especially women who have already been in abusive relationships. For example, one woman reported that her batterer:

...seemed to be completely different from her first husband. He gave her the appearance of being a man who would protect her, not harm her. She saw him as a powerful man who got things done.

These men are viewed by some women as people who can protect them from their past and save them from destruction. In these relationships the love the women have for their

batterers exists along side their knowledge of the batterer's manipulative and controlling behaviours. The women hope that their batterers will change back to the way they remembered them as being.

Other Influences That Contribute to the Normalization of the Batterer

The women in this study discussed the families who raised them and the values that were taught within their homes. These family values contributed significantly to the way the women thought about themselves and influenced the way they thought about and interacted in their relationships with their partners. Many of the women in this study grew up believing that *"women should be subservient to their husbands, and that the husband is to be respected and not questioned."* They were raised to *"believe that women were supposed to take care of the man's needs no matter what the cost to themselves."*

According to their religious values, marriage was sacred and they *"should remain with their spouses 'until death do us part'"*. Furthermore, many of the women came from families that believed *"every man had every right to beat his wife and should learn to take it until she learns to please him so he won't beat her..."*

When the women told their families of their abuse, the families often responded with such comments as *"it's your duty to stand by your husband, it's only a phase, he'll get over it, go home and endure it," "We don't believe in divorce. You can take ass beating. We've got enough divorces in the family already!"* or *"listen to the man."* One woman reported that after discussing the abuse with her mother, her mother responded with sex tips, and then said *"you made your bed, you lie in it"*. These kind of responses contributed to the women believing that the right thing for them to do was to stay in the

relationship and that they were somehow responsible for the abuse. Furthermore, these kinds of responses reinforced the husband's authority and contributed to the women's construction of her batterer as normal and the battering as something men do.

The Meaning of 'Normal'

There is no real definition of 'normal'. There are many definitions that exist within society. For the purposes of this research, I defined 'normal' using psychological language since it has become part of the common language in society. When people think of someone who is mentally ill, they would usually respond by interacting as if this person was not normal. For example, they would probably describe that person using extreme terms such as 'crazy', 'mentally ill', or 'psychotic'. They might also try to either hospitalize or avoid that person.

In the data presented in this chapter, there is evidence that the women construct the male batterer as 'normal'. The specific categories in which the women describe the batterer clearly demonstrate that they do not view the batterer as 'crazy' or 'abnormal'. The "Jekyll and Hyde" category used to describe the batterer by the women is operating within a normal framework. The batterer is not seen as mentally ill. His behaviour is described in terms of abrupt changes in personality, not to the point of being crazy or psychotic. The normal parts of the batterer's behaviour described by the women override his temporary irrational and uncontrolled behaviour.

Furthermore, even though the women described the batterer as mean, violent, abusive, and uncontrollable their explanations for the batterer minimizes, and in effect, normalizes his violent behaviour. The women provide excuses for their batterer's behaviour. They

refer to outside forces such as alcohol and drugs or childhood experiences to explain his behaviour. The women do not explain the violent behaviour in terms of some abnormality within the batterer. They often do not understand the batterer's real motives. By blaming outside forces, the women minimize the batterer's violent actions and take away responsibility from the batterer. However, although they normalize the batterer and the battering, they fear and are in awe of their partner's powers.

At this point it is important to develop a clearer and more detailed explanation of how the batterer comes to be constructed as a fearsome, 'larger than life' individual is required in order to understand how these women come to commit their violent crimes.

The Batterer as 'Larger than Life': A "Super-man"

An interesting pattern that develops in the construction of the batterer by his partner is her belief that her partner is larger than life. He is viewed as omnipotent with extraordinary abilities to inflict violence without being defeated.²⁰ The women in this study report five different strategies by their male partners which make them appear to the women as superhuman: The use of threats, weapons, playing crazy mind games, knowledge of past acts of violence, and the batterer's non-conflict with the law.

1) Threats

According to all of the women, threats of violence played a major role in their fear of their male partners. Once the physical violence had started and had been going on for some time, many of the women tried to end the relationship by divorcing or leaving their

²⁰ The belief by the women that their male partner is larger than life was developed in a discussion with Susan Fair.

male partners. These women reported that all these attempts to leave the relationship were unsuccessful because of the threats used against them. Mainly the threats were either threats to harm or kill them, their children, or other members of their family (mom, dad, siblings etc.). For example, in domestic violence summaries and letters to Freedom Link, the women reported several different examples of how these types of threats were used by their batterers. One woman reported that sometimes her batterer:

...(would) smile and say, 'leave me again and I'll kill you and the kids or maybe I'll hire someone to kill you, they'll never find you because I won't allow you to leave me.'

While another woman reported that her batterer said:

If you try to leave me, I'll hunt you down and kill not only you, but everyone you're staying with.

Other women reported that their batterers made several threatening statements such as:

He threatened that he would kill the children and make her watch if she pursued the divorce action.

He threatened to have my mother's house blown and shot up and my family killed.

He told her that if she ever served him with legal papers or attempted to leave him for another man, he would kill her.

While other women reported that their batterers made threats such as:

...if he couldn't have me no one else would when he got finished with me.

...if he would ever kill me he would kill me at a motel so that no one would know he had done it.

Closely connected to or intertwined with these threats to kill or harm surrounding divorce are suicide threats. In this way, these men manipulated their partners into staying.

In domestic violence summaries, some of the women illustrated how their partners accomplished this task. One woman reported that her batterer:

...was also suicidal and threatened on more than one occasion to kill all of them. He told her he did not want his wife and children to belong to another man. That if she tried to leave him again he would make her watch him kill the children and then kill himself.

Another woman said that:

He threatened to kill her and himself in the 'car he loved' going so far as to tell her he had chosen the tree they would hit.

In another case, after telling her batterer she was leaving for good:

...He got a gun, put it to his head and said, "I would rather die than have you leave."

One result of these threats was that they communicated to the women that nothing would stand in the way of her partner. Also, these threats instilled and compounded the fear within the women.

Lastly, these men not only made threats if their female partners wanted a divorce or wanted to leave them, but also used threats to manipulate the women into doing what they wanted them to do. For example, one batterer threatened:

If you ever tell anyone I ever laid a hand on you I'll kill you.

Other batterers made threats of violence such as:

He threatened her with a 2 X 4 because she arrived home late one evening.

He threatened if she ever came home with a man he would beat the hell out of her.

One woman explained that her batterer's threats were significant in her being involved in a violent crime. After she saw her boyfriend kill his stepmother:

*...she stated that she could not scream immediately, but when she did
bodyslammed her against the stove and refrigerator and said,
"shut the fuck up or you're next."*

Through their threats, these men are conveying the message to 'keep silent', 'to come home on time', and 'to be faithful' or be punished.

One way these men used threats was to include in them things that their female partners feared. Two illustrations of these type of threats taken from domestic violence summaries are as follows:

She told him of her fears as in fear of water, fear of things around her neck and head and he used these things to his advantage to manipulate her and to succeed in getting his own way.

He took her to Mt. Rainier to the top and began speeding down the road (knowing she was afraid of heights) and threatened to kill both of them unless she agreed to stay.

Other threats from their male partners involved non-violent acts, but were still threats that created fear and added to the feelings of the women that their male partners could do anything. In the domestic violence summaries, there are many illustrations of these threats. The women reported that their batterers would make threats such as *"Lose weight or I'll leave..."* or *"Don't bring friends home or I'll have sex with them..."* Other batterers threatened *"numerous times to have her committed"*, *"to take the kids away from her"*, and *"to cause trouble so she would lose her job."* These threats are attempts of the batterer to control his partner whether by emotional control as in the first two examples, or physical control like in the last three examples.

The last type of threats that were used by their batterers were threats to harm others outside their families. One woman, in letters to Freedom Link, related some of the threats used by her batterer:

At a party I overheard him saying how he'd like to kill everyone there.

_____ often came to me and told me that he wanted to be Chief of Radiology at _____. He was going to get rid of Dr. _____ even if it meant 'killing him'.

This type of threat added to the woman's fear that these men were not afraid to hurt other people.

There are many different types of threats used by batterers to instill fear in their partners: threats of violence to harm or kill the family, suicide threats, non-violent acts, and threats to harm or kill other people. The level of complexity and the amount of intricate detail that is involved is an interesting feature about the batterer's threats.

The women took their batterer's threats seriously because their batterers had threatened them continuously over months and years, and their batterer frequently had followed through on these threats in the past. Some women reported that their batterer carried through on his threats sporadically "*when he felt like it*" or "*every now and then*". Although some batterers followed through on threats more frequently than others, the batterer's threats were planned and had a purpose. The threats were used to reinforce power. The women knew of their batterer's capabilities and willingness to use violence. It is surprising that the women reported that their batterer's threats and violence left them "*in a state of constant fear and paranoia*". The women never knew what would happen to them or when it would happen.

Also included within the threats is a sense of 'male right' or ownership on the part of the male batterer. That is, the male batterer conveys to his female partner that he is "*the boss*" and she is his possession. For example, the batterer makes statements such as "*he did not want his wife and children to belong to another man*" or "*he told me if he couldn't have me no one else would when he got finished with me.*" The use of threats allowed the batterer to maintain power and control by reinforcing his dominance and by instilling fear.

2) Weapons

Also discussed by several (6) of the women were weapons which their batterers used to threaten or harm them. Weapons were used in four different ways according to the women's descriptions in their domestic violence summaries: 1) the batterer carries a weapon with him; 2) the batterer brandishes a weapon with his threats; 3) the batterer leaves weapons around the house as a reminder to the woman; or 4) the batterer actually uses weapons in a physical attack. In domestic violence data, these women gave many examples of their batterer's use of weapons. Two women stated that their batterers liked to keep weapons around the house:

... he carried a gun and would leave a .44 magnum on the kitchen counter as a reminder.

...he kept knives everywhere...he kept a knife in-between the mattresses of the bed, underneath the front seat of the car, underneath the sofa...always saying for protection and defense but the only person I ever saw him use them against was me.

Another woman reported that her batterer did not just keep weapons around the house; he also liked to show her his weapon:

One of his favorite ways of terrifying her was to show her his brass knuckles...he carried brass knuckles in his shirt pockets and kept a set of brass knuckles under his pillow..._____ said that he had knuckles to match his suits and they all bore the Mafia insignia.

Another woman responded to a question about whether her batterer had threatened her with a gun:

Yes. Me and other people too.

She went on to describe how her batterer threatened her with a gun:

He would pull it out and point it in my face.

Then she described what her batterer would say when he threatened her:

He would say he wouldn't feel nothing about taking me off the face of the earth.

These weapons provided the women with a reminder of what had happened in the past and what could happen at any time. The threat of the weapon use stood alone or was combined with verbal threats. Verbal threats included the use of weapons. They point to how the batterer will carry out his threats. The knowledge of the presence of the weapons comes to represent a threat in itself. For example, in the case described above, the woman had been threatened by her batterer several times with a loaded gun. When she tried to leave him for the first time she took her batterer's guns because she was afraid that he was going to kill her if he ever found her. Her batterer's gun came to represent the symbol of death or being killed.

3) Crazy Mind Games

Many of the women (8) in the sample reported that their batterers attempted to convince them that they were crazy by playing what they called 'crazy mind games' and by

using insults. They described situations, in their domestic violence summaries, in which their batterers said or did things designed to make them feel crazy. One woman said of her batterer that.

He would hide her car keys, rearrange the furniture, unhook the wires in her car, he would set the clock back so she would be late for work...he regularly told her that she was crazy and should kill herself...he repeatedly threatened to commit her to a mental institution.

In this instance, the batterer's attempt is elaborate. First, he played little mind games to make her feel as if she was losing her mind and then he reinforced her thoughts by telling her she was crazy and should get help.

In other cases, the batterer attempted to make his female partner feel both stupid and crazy:

He would move things around in her closet and house. He would hide things and tell her to go get it for him and then call her names (such as good-for-nothing) and then mysteriously find it right where he said it would be.

He would tell her she was a bad cook, real ladies don't play cards, she had 'no sense'...All of these things made her wonder if it was really her fault. (she began to think) maybe she was crazy. (see pg. 45)

In each of these cases these mind games are designed to make the women doubt themselves and feel worthless, and to make them feel that everything is their fault.

One batterer actually went even farther to reinforce his partner's feelings of 'craziness' by making her appear crazy to others:

He would beat her and leave her outside naked for the neighbours to see. (The neighbours) rarely saw her (and therefore) they would believe him that she was crazy since he would tie her up in the house during the day.

This type of manipulative behaviour not only made the women question their own sanity, but it added to their belief that their partners could convince others that they were crazy and freely continue with their abuse.

It appears in this case that these mind games were intentional ways the batterer used to torment his partner. In the domestic violence summary data there are many references to batterer's admissions of attempts to drive their partners crazy. For example, a friend of one of the women in a letter to Freedom Link wrote, "*(He) confessed to me he was driving _____ crazy. Just prior to his death, he had an idea that would put her out of her mind.*" In brief, these ideas seemed to be indicative of deliberate and well implemented strategies by the batterers to achieve and to maintain power over their partners. The strategies served to re-emphasize to the women that their partner was seen as normal and they were seen as crazy.

4) Knowledge of the batterer's past acts of violence

Knowledge of their batterer's past acts of violence compounded the fear in many (7) of the women in this study felt. This knowledge included past violence by the batterer towards others as well as past violence towards the women themselves. For example, one woman reported knowing that her batterer was violent towards many people:

She knew that he would get into fights easily and had 'torn up alot of people'.

Some women were aware of the fact that their batterers had prior convictions or charges for varying degrees of violence:

She knew that he killed a man who was involved with his mother and was never convicted of the crime.

He had three known assault charges, but they were all settled out of court.

Also, they were made aware that their batterers often were proud of the fact that they were violent and could get away without being convicted. For example, one woman reported in a domestic violence summary that:

He perpetually reminded her that he killed a man once.

The knowledge of these acts of violence instilled in these women's minds the thought that their batterers were capable of any degree of violence. The message was, "*if you don't obey me, see what happens.*"

In one case involving a woman who killed her boyfriend, her knowledge of his past acts of violence was a direct reminder of what could happen to her if she went against his threats and dated again.

_____ had a prior assault conviction that came about after he entered the home of a former girlfriend by removing a window screen. He then assaulted the current boyfriend of his former girlfriend.

The women were also aware that their batterers were violent towards other family members which they saw as even more reason to fear and to obey them. For example, one woman was aware that her batterer had beaten up his own mother and other members of his family.

In another case, a woman had first hand knowledge of the full extent of her batterer's viciousness, having witnessed him murdering his stepmother. This woman had a compelling reason to be terrified of him and to obey his command to remain silent about the crime.

While most women either had knowledge of their batterer's violence towards others or were aware of their past acts of violence, some women only knew that their batterers were involved in and enjoyed violent activities. For example, one woman reported that her husband had a black belt in karate, a brown belt in judo and she also found out that he liked to fight. Another woman in a domestic violence summary wrote that she knew of her husband's professional boxing career in another country.

In summary, what this knowledge did for these women was let them know that their batterer was stronger, tougher or more violent than the usual male. Combined with their batterers' death threats and beatings, these women reasonably feared their batterers' every move.

5) The Batterer's Non-Conflict with the Law: The "Invincible" Man

Many of the women in the Freedom Link project mentioned the lack of response of the police to the batterer's acts of violence as a factor that contributed to the construction of their batterers as "larger than life". In most cases, the women did call the police for assistance although there were a few women who did not call the police for various reasons. The women, in their domestic violence interviews and summaries, related several reasons for not calling the police. One woman reported that she was threatened with death by her batterer if she called the police:

...he told me if I called the police on him he would kill me.

While another woman said:

I couldn't call the police because I was already in trouble for bad checks.

Another woman believed that she could not call the police because:

...she was trying to protect her husband's name for years by not telling anyone he beat her.

The remainder of the women (7) did call for outside assistance to the police. While in all but one case the police responded to the women's calls for help, the police rarely took any action. In a few (3) of the cases, police action was not taken because the police found out that the batterer was a high status, professional, and well respected man. In domestic violence summaries, those women described various situations in which the police did not take action:

The police were reluctant to take any action because he was closely related to...and well respected by several members of the County Police Department who did not want to make official reports of (the) incident.

She called the police on him only once...before anything was said to the policemen, he recognized her husband as a prominent corporate business executive consequently the policemen immediately apologized to her husband saying that obviously he had been given an incorrect address.

A few other women (2) featured in the documentary film reported that they had called the police for assistance several times and found that they “*sometimes responded--sometimes didn't*”. The main way the police dealt with these types of situations was to “*take him outside and talk to him for a while, send him back to the house and tell him to be a 'good boy'*”. However, all of the women who did call the police also found out that as soon as the police left they were even more severely beaten. One woman in the documentary described her experiences when she called the police:

I'm in worse trouble because the police were called so I'm going to get a worse beating now that they've been there. It eventually got to the point where all the phones in my house were stripped out because of my efforts to contact them.

Another woman, in the same documentary, had learned earlier that the police would not respond at all to her calls for help. She reported:

I knew from childhood abuse that calling the police didn't do any good. The pain was inflicted even more because all the police would ever do was say that it was a domestic dispute, a family affair, and they couldn't interfere. No sooner did they leave, the beatings would start again. So to prevent it from happening when I was married, I just didn't call them.

One woman, whose boyfriend lived with her, reported that the police were called to her residence on numerous occasions. They would advise her to take her children and leave. One officer advised her to get a gun to protect herself from her boyfriend, which she did legally. When the police were called again she had used the gun to threaten her boyfriend who was attacking her with a butcher knife. They took her gun away from her.

Another incident involved a batterer who went to his female partner's place of employment and beat her with a bicycle chain in front of her co-workers. The police were called and he was arrested; however, he only spent 10 days in jail for being a public menace, not for assault.

In one other violent incident, to which the police responded, the reactions of the batterer and his victim serve as examples of how domestic violence situations are treated. In this instance, a husband took his daughter into a room in the house with a revolver. The police restrained him and told the woman to take her daughter, but the husband bit the daughter's chest. One of the police officers punched him, and the woman took her daughter. One of the police officers yelled, "*now look what you've done, get out of*

here!" She left with her daughter to her mother's home. The police did not arrest the husband.

In all of the situations in which the police were called to respond and expected to take action and didn't, the women ended up believing more strongly that their batterers were invincible and immune to the consequences of their violent behaviour. This belief compounded their fear and convinced these women that no one could or would protect them or, in some instances, their children from their batterers.

Many of the women took their batterer's threats of violence seriously, as the batterers had followed through on threats in the past. The women, therefore, knew of their batterer's capabilities and realized they were likely to carry out their threats. Also, in many cases the women knew the batterers had been violent towards other people and that these violent acts had resulted in little or no consequences. They reported that their batterer's threats, extramarital affairs, constant cruelty and bragging about their physical prowess resulted in devastating emotional fatigue. In the women's descriptions of the emotional condition that resulted from their relationships with the batterers is the suggestion that the batterers were successful in their attempts to achieve and maintain power and authority.

After the women described the "larger than life" quality of their batterers, they demonstrated that they feared their batterers, but did not construct their batterer as 'crazy'. They constructed the batterer as 'super-human', a 'super-man', not as psychotic. They did not view the batterer's violence and other behaviours to be the result of any abnormal sadistic tendencies. Instead, the batterer was viewed as a normal person who, at

times, appeared uncontrollable, violent, mean and fearsome. Thinking of their batterers as normal seemed to make the women less likely to leave their partners.

Battered Women's Response to Violent Situations

If battered women are less likely to leave a partner they think of as basically normal, why is it possible that the women eventually kill their abusers? It is their construction of the situation which results in the killing or committing of a violent crime. The batterer has, through various death threats, acts of violence and control tactics, instilled fear and made his female partner believe that there is no escape. She sees him as 'larger than life', as someone who has the ability and the power to carry through with any violence without consequences. The woman, in the battering relationship, reaches a point where she realizes that *"there is no end to his pressure, his threats and his violence"*. She starts to *"completely break down"*, in confidence and self-esteem. She begins to break down as a person. One woman reported that for her at this point, *"there was no control left"* over her situation and from this point the *"fear built up"*. She reported that she was *"living in a state of constant fear and paranoia of what he would do and when he would do it."*

Furthermore, the presence and threat of these weapons may result in a subtle distinction in the way the women view violent solutions. Before these relationships, most of the women who killed their batterers were not violent people. It seems likely that the batterers, through the use of weapons, have introduced violence as a solution to these women. By the time the women realize that there is no way out, and that the brutality and frequency of the violence will escalate and is not going to stop, they have learned to

consider the use of weapons from their abusers. For example, in a brief a defense lawyer describes the events leading to his client's killing of her abuser:

On the night of the murder _____ started calling her names and told her to get into bed with him. When she refused, he grabbed her by the hair, threw her through the hallway and kicked her in her sides. He threw her onto the bed and told her he wanted to hurt her. _____ handcuffed and then sodomized her. When he was finished, she asked him to remove the handcuffs, which he did. He then fell asleep. She was very upset, hurt and angry. As she went downstairs, she noticed two guns in the hallway. She decided she wanted to kill _____ for what he had done to her so she went back upstairs and to one of the guns...she took it downstairs and attempted to load it...she went upstairs with the loaded gun, got into bed next to the sleeping _____ and lay next to him for a minute.

The nights the batterers of two other women were killed are described below:

This particular night, when she thought he was reaching for the scissors, she was sure this was the time when he would follow through with his threats to kill her. The violence had progressed to a climatic point, and when _____ raged at _____ that he would "fuck her up", she felt the need to use a weapon in order to get out. She knew his physical strength and level of rage and would also know that great force would be needed to keep him from coming after her.

...he was angry at his boss. I was trying to calm him down...trying to reason with him...but his anger just kept building to the point where he started throwing stuff around the house and of course the next thing its I did something stupid so he slaps me...I try to get away, he grabs me and starts slamming me around downstairs...he throws chairs at me...he followed me upstairs and continued beating me, throwing me around the bedroom, slapping me and throwing me back downstairs...I was so scared inside... I wanted to get away so bad...(I decide: ' ' at) I wasn't going to take anymore, so I picked up a piece of heavy car part that was kept in the pantry and went back upstairs with in my mind if he comes after me I'm going to use it...

In the above descriptions, the killing of the batterer is a solution based on the perception of the women that there are no other alternatives to end the violence, and taking into account how the batterer used violence against them in the past. Possibly the threat or use

of weapons as a means of protection, as 'a way out', and as a way to equalize the fight against a batterer who is understood to have enormous physical strength and rage was a result of living with that particular batterer.

In conclusion, although the women in this study lived through months and even years of horrible experiences, and even though they killed their abusive partners, it is difficult to think of them as basically unstable or in any way crazy. The batterers, on the other hand, who society tends to regard as normal, exhibit behaviour patterns that could reasonably be associated with abnormality or mental illness.

After examining the women's construction of the male batterer as 'normal', I believe that it is important to examine other people's constructions of the batterer because they allow us to understand how people outside the battering relationship view both the battered woman and the batterer. Other people's constructions allow us another view of the batterer's thoughts and actions, and give us an opportunity to compare them with the battered woman's construction of the batterer.

CHAPTER VI

‘OTHER PEOPLE’S’ CONSTRUCTION OF THE MALE BATTERER

The women in this study are not the only ones who normalized the male batterer. ‘Other people’, namely friends, family, co-workers, and neighbours through their use of various descriptive categories, normalize the batterer. In many cases ‘other people’ and the women in this study share similar categories in their construction of the male batterer. When the descriptions of others were compared to those used by battered women in their construction of the male batterer, several similarities emerged. They both described the batterer as having a “*Jekyll and Hyde*” type personality. At times batterers were described as “*loving and caring*”, as “*the nicest person you’ve ever met*”, while at other times, batterers were described as violent, abusive, uncontrolled when they drank or took drugs. Alcohol and drugs played a major role in their constructions of the male batterer. Both ‘other people’ and battered women regarded the batterer as a fearsome individual. The batterer through his controlling behaviour, his acts of violence and intimidation, and his threats to harm or kill, attempted to instill fear into the battered woman and others. Battered women described themselves as “*in a constant state of constant fear and paranoia.*” Similarly, ‘other people’, throughout the data, repeatedly commented “*I was so afraid of him*”. Both groups feared the batterer, but did not construct him as a ‘crazy’ person. Batterers were viewed as normal people who at times were mean, violent, abusive and uncontrolled.

The similar categories used by both ‘other people’ and the women are The Batterer as ‘Jekyll and Hyde,’ Violent and Abusive, Uncontrolled, Mean, and Fearsome. The

different categories used by 'other people' are the Batterer who Engaged in Violence, The Batterer as Dominant and In Control - Power Mad and Manipulative, and When is the Batterer Crazy? In addition to the similar process of normalization used by the women and 'other people', batterers themselves are reported as engaging in their own self-normalization. This will also be examined.

The Batterer as 'Jekyll and Hyde'

As with the women in this study, friends of the women and men believed that there was an alcohol/drug related change in the batterer's behaviour. Many constructed batterers as people who led a "*Dr. Jekyll and Mr. Hyde*" existence. For example, at trial, one neighbour testified for the prosecution stating that "*if he wasn't drinking he was the nicest person you ever met in your life, but when he drank, he would start fighting.*" The batterer was described on numerous occasions as being in a "*drunken rage*". In addition, an expert witness in a different trial described the batterer. He stated, "*his behaviour when he was drinking --- he was very, very abusive...*" Lastly, friends of the battered women in this sample referred to the batterer as someone who drank excessively and as a result changed dramatically. For example, one friend, in a letter to Freedom Link wrote, "*his irrational behaviour was drug induced.*" In brief, these people described the batterer as abusive or irrational when he drank or used drugs, but the batterer himself was described as a "*fun-loving, friendly person.*"

The Batterer as Violent and Abusive

Many of the children, family, friends and neighbours who knew the battered woman and her batterer referred to the batterer as violent and abusive. First, primarily in trial transcripts, the children of the battered women described violent incidents that lead them to describe their mother's batterer as violent. Several children described situations of the batterer's physical violence such as:

He beat her if she didn't pay the bills.

He was hitting her in the face and kicking her.

He gave my mom a black eye and a broken jaw.

One other child explained that she was afraid of the batterer because he was violent. She said:

My mother had to hide things on occasion from him because he would destroy things like food, clothes, the television...

Neighbours and friends also attested to the batterer's violent character in trial testimony. They talked about witnessing the batterer being violent towards their partners.

Two witnesses described situations in which the batterer was violent such as:

The last time I saw him he was choking and beating on her because he thought she was talking to _____.

She was running down the street and he was chasing her with a belt thrashing and hitting her with it.

What is unusual in these examples is the fact that people rarely did anything to help these women. In fact, at trial, one witness said:

I saw him shaking her against the car and whupping her with a belt...I didn't go down there...I didn't have nothing to do with it.

Batterers are often not only violent towards their female partners and children, but towards other people. In a letter to Freedom Link, an associate described an incident which is indicative of the batterer's violent nature:

(He) recalls an incident in which the decedent, a doctor, became angry and irritated at an adolescent patient who was taunting him. He threw a karate kick into the child's stomach, knocking the kid to the ground.

In summary, other people including family members, friends, co-workers, and neighbours, had knowledge of the batterer's violence and described these incidents primarily as witnesses at trial. The majority of the violence described was directed towards the partner of the batterer. Not surprisingly, these witnesses all expressed fear of the batterer. What is unusual is the fact that even though these witnesses described situations in which the batterer was violent, nobody offered any assistance to these women or described the batterer's violent conduct as abnormal.

The Batterer as Uncontrolled

Closely connected to the batterer's violent behaviour was his rages. Many different people described the batterers as violent and raging or uncontrollable. Like the women in Chapter V (pg. 53) who described their batterer's and his behaviour as "*uncontrollable*" or "*raging*", other people described batterers in the same manner. Their descriptions imply pathology and imply that the batterer cannot control his behaviour, and therefore, is not responsible for his actions. However, if these other people really believed that the batterer was so uncontrollable, wouldn't they have stayed away from him? Instead, some people stayed in contact with the batterer because, even though they feared him sometimes, at times, "*he was the nicest person you ever met in your life.*"

Many people made reference to the batterer's inability to control himself in situations

An expert witness said in a trial report:

He destroyed household goods and furniture in drunken rages, strangled her with a bicycle chain. He shot out the rear windshield of a car and another time chased her with a butcher knife. Her whole narrative indicated that the individual's behaviour was for some years highly unpredictable.

The type of behaviour illustrated by the doctor is fairly typical behaviour among the batterers in this study. As was said in Chapter V, many of the batterers, in fits of temper and uncontrolled behaviour, destroyed household goods and personal possessions, and physically brutalized their female partners.

In another case, a child, at the mother's trial, described his abusive step-father's uncontrollable temper:

Q. ...do you know what _____ needed to change?

A. Yes. He had a very bad temper.

Q. Now when you say he had a bad temper, would he scream and holler?

A. Yes, very much.

Q. Would that be directed towards your mother?

A. Yes and sometimes at us.

Q. Also, when he had a bad temper, did he strike or hit anybody?

A. Yes. He hit my mom very much and sometimes, if my mom wasn't there and if he got mad, he threw Joe up against the wall and he would hit on me and he'd throw me.

The batterer's bad temper seemed uncontrollable because he did not just get angry, but he screamed and hollered and beat his wife and children all of the time. When he had a bad temper he did not just direct his anger towards his wife, he also beat his children.

However, the batterer's uncontrolled temper was really behaviour intended to frighten and to keep his family in line.

Others in various documents referred to the batterer as “*in a rage*”, “*uncontrollable*”, and as having “*unmanageable violent behaviour*” or “*an inability to control himself*”. In describing the batterer this way the responsibility is taken away from the batterer for his actions. A question is raised in these descriptions as to whether “uncontrollable” means that others cannot exert control over the batterer or whether the batterer cannot or does not control himself. After reading ‘other people’s’ accounts of the male batterer, it appears as if ‘others’ chose not to exert control over the batterer’s violent behaviour. When the batterer was seen physically assaulting his partner by ‘others’ they did not interfere. Since the batterer was not seen as violent at all times, it seems more likely that the batterer’s behaviour is uncontrolled. He can control his behaviour when he wants to.

The Batterer as Mean and Hateful

Many of the batterer’s associates referred to him as ‘mean’ when they described how he treated other people or when they described his nature. Also, some associates were aware of the batterer’s violent reputation. In one case, several co-workers described a batterer’s general way of behaving at work:

The employees hated him because of the way he treated those under him and how he abused his position...he fired (people) without cause and anyone who stood in his way of reaching the top was quickly and mercilessly dealt with.

With his turn as dictator and his language with the working men he became known as the man that no one liked.

A co-worker of one of the women portrays a batterer as mean and vicious based on the injuries that she saw:

My assumption was that he was vicious because of her appearance...one side of her face was badly swollen...another occasion she had a swollen eye...a swollen jaw but a half closed eye.

At trial, another co-worker, based on an incident he witnessed in which the batterer viciously beat his female partner in front of her co-workers, described him as having:

...a mean way of talking...he ordered us around.

It is interesting to note comments from co-workers about batterers since the typical batterer does not ordinarily display his aggressiveness outside the home. This is important because it separates these batterers from what is thought to be the more typical batterer and may be critical in making the women believe that no one will help even when they know of the battery. It also supports the normalization hypothesis.

The Batterer Who Enjoyed Violence

Although there was only a single case in those selected for this analysis in which some associates constructed the batterer as an individual who enjoyed violence, it was still viewed as important. Associates related many incidents, in letters to Freedom Link, in which the batterer was violent, bragged about his physical prowess, and expressed his enjoyment. In this case, several associates described a batterer's excitement about violence:

He relished the recounting of how he had beat up drunks and unsavory characters.

His accountings were without remorse and often detailed with glee.

He showed them an x-ray of a man's smashed face...he marveled at how he could do that with his fists...he acted very excited and high.

Although generally it may not be atypical for batterers to talk about violence, especially towards other men, in certain classes men may be atypical in talking about their violence. For example, middle class men normally do not talk about violence, whereas lower or working class men do talk. In the case mentioned above, the batterer was a medical doctor who had a propensity towards violence. He "*relished*" the recounting of his acts of violence and described them with "*excitement*" and "*glee*". This type of behaviour is regarded as unusual for a professional person.

The portrayal of the batterer as someone who enjoyed violence and being violent, again, illustrates that some of these batterers do not follow expected patterns. They are not only violent in the home, but they are openly violent. The question that should be asked is, In these instances in which the batterer "*relished*" the recounting of his violence, "*marveled*" at his physical strength, and described his acts of violence with such excitement and "*glee*", why doesn't anyone think that this type of person may be crazy? Why don't people react to this behaviour by saying "This guy is nuts, stay away from him!" Statements in these documents rarely referred to batterers as mentally ill, except in one case when a batterer molested a child. Instead of labeling the batterer as crazy he was generally regarded as a fearsome individual.

The Batterer as a Fearsome Individual

All of the associates that described batterers described them as being fearsome individuals. In correspondence and trial transcripts all associates stated that they were "*afraid of him*" for various reasons. One mother, in a trial transcript, said that she was fearful of her daughter's batterer because he made threats like "*I'm gonna kill all of you*".

She stated that he always carried a knife with him, and always followed his threats with violence. She said, *"He was a man of his word. I was so scared of him. I couldn't hardly sleep at night. I didn't know what was gonna happen."* This statement indicates that even those who do not live with the batterer may fear them almost as much as the women who are being battered.

The children of the battered women also regarded the batterer as a fearsome individual because of the many times they witnessed his violence towards their mothers and their siblings. In one instance, the children had been beaten so many times that they began to sleep with forks under their pillows at night for protection.

Others regarded the batterer as fearsome because of his ability to carry out violence without remorse and because he described his violence with pride. In one case, at a trial, several neighbours who knew the batterer, testified that they were threatened by and afraid of him because he drank a lot and talked about beating up everyone. They also witnessed his violent acts towards his female partner.

The Batterer as Dominant and In Control, Power Mad and Manipulative

Some associates of the batterer, described the batterer as an arrogant, macho man, someone who acted like he knew it all. One person described a batterer as a *"spoiled little rich boy who had to dominate all communication."* Not only did associates notice that this batterer dominated all communication, but they also noticed that he dominated everything. *"He always had to be in control."* Through his various controlling behaviours, the batterer in this case not only manipulated his female partner, but other as well in his quest for power.

When is the Batterer 'Crazy'?

There is one case in this study where a batterer is referred to as emotionally disturbed. This reference is in a trial transcript of a battered women's co-defendant. The co-defendant was asked by one of the lawyers about a conversation that took place prior to the crime. The battered woman, her friend, and the co-defendant were talking about "taking care" of the batterer by either "breaking his hand or killing him at the same time." The co-defendant replies:

Don't you think that's kind of harsh?...It's obvious if a man is going to rape a six year old girl that he is emotionally disturbed...the man needs psychological help, he doesn't need to be hurt...the best that I can recall, I had explained to her that the man was sick...

In this transcript, the co-defendant, after listening to the battered women tell him about how her batterer beat her and molested her daughter, considered the batterer to be a man who was "emotionally disturbed", "in need of psychological help", and 'sick' or mentally ill. However, the circumstances that are present in order for the batterer to be labeled as 'sick' or 'crazy' are notable. The batterer was so labeled only in a case in which a child is raped. Most people in North American society would probably agree that anyone who hurts, molests, or rapes innocent children who cannot defend themselves is 'sick' or 'crazy'. It appears that batterers may only be referred to as 'crazy' in cases where children are abused but not when women are abused. Are the behaviours that batterers inflict on children more 'sick' than the behaviours inflicted on the woman? There is a difference and that is children are recognized as more helpless and having less options

and abilities to get out of violent situations. Adult women are viewed as having more options such as the option to leave, seek out a shelter, or go to the police.

After describing the various categories used in the process of normalization of the male batterer for both the women and 'other people', similar descriptions indicate that battered women's views were realistic. Neither the 'other people' or the battered women constructed the batterer as 'crazy'. He was viewed as a normal person who at times was violent, abusive, and uncontrollable.

Many others reported witnessing countless violent acts, and battered women wrote letters describing many horrible acts batterers inflicted on them. However, nobody but the women reported doing anything about the batterer's violence. Friends, family, co-workers, and neighbours were aware that batterers were violent towards their female partners. Instead of acting on this knowledge, they accepted it and acted as if the violence was 'normal' conduct. The question that remains is, What does this inaction tell us about how 'other people' construct the batterer and the situation? Do they view these violent situations as family matters that they should not interfere with?, or Is their lack of action due to the way they constructed the batterer as someone to be feared, someone to feel threatened by, and someone who would hurt them as well? Although it is difficult to say it is likely that these people regard the batterer as too fearsome. They feel threatened by him and do not want to get involved for fear of themselves getting hurt.

So far, this chapter has examined other people's construction of the batterer and compared this to the battered women's construction of the batterer. It was found that both 'other people' and battered women share similar normalized constructions of the

male batterer. Next, the way in which the batterer describes his own behaviour is examined because it allows us to understand the relationship between the batterer and the battered. It allows us to have a greater understanding of the ways in which male batterers explain their violent behaviour.

The Batterer's own Excuses and Justifications: Self-Normalization

In living in a battering situation, and in many cases beginning to doubt their own personhood, the women had to deal continually with their own conceptions of the batterer and his battering as well as the batterer's conception of himself. From letters written to female partners and from women's own accounts, there are different understandings of the meaning of battery.

As it is presented by researchers like Ptacek (1988) in his research on "Why do Men Batter Their Wives," interviews conducted with abusive men examined the role the batterer takes in rationalizing his own violence. Ptacek found that battering men try to excuse their behaviour by denying responsibility and blaming violence on a 'loss of control' due to alcohol or drugs, internal pressures, or by blaming the victim. He also found that the batterer tried to justify his behaviour or deny the wrongness of his behaviour by trivializing and minimizing the women's injuries, by finding fault in his female partner, and by using conflicting statements to normalize his behaviour. Ptacek's research is important here because there are many similarities between his findings and this research. In this study, the batterer, when talking about his violent behaviour, relies on rationalizations in an attempt to make sense of or to normalize his behaviour. The batterer tends to use both excuses and justifications to neutralize his behaviour. The batterer tries

to excuse himself of any responsibility for his violent behaviour. The following statements are reported by victims and others as statements by batterers.

Blaming his victim: She Made Me Hit Her!

In the domestic violence summaries women were asked questions about how their batterers accounted for their violent behaviour. First, the women were asked, "*Did he tend to blame others for his behaviour, especially you?*" A few women in this study responded "yes". In writing about her batterer to the volunteers of Freedom Link, one woman responded that:

He would come over to my house drunk and then he would want to fight me, start pushing on me, hitting, punching and pulling my hair. Then he would say that he was sorry for hurting me then he would say he loves me. He said the only reason why he does that is because I make him mad... (see pg. 55)

Another woman explained a typical argument in which her batterer was violent towards her:

...his anger just kept building to the point where he started throwing stuff around the house and of course the next thing its I did something stupid so he slaps me... (see pg. 82)

This example suggests that the batterer explains violence towards her in terms of her provoking him into slapping her by doing something stupid.

Susan Fair, in response to a question about the rationalizations male batterers use, agreed that batterers tend to blame their partners for their behaviour. Fair explained that a batterer will often make statements such as, "*You know when I'm like this to leave me alone,*" or "*she started yelling at me when I was drinking.*" In these instances, the

batterer explains his behaviour and excuses his violence by blaming his partner for bothering and provoking him.

Blaming Anything: Outside Problems

Secondly, the women were asked, *"Did he blame alcohol, drugs or other life events for his behaviour?"* A few women in this sample responded "yes", their batterers blamed outside factors for their behaviour. One woman, in a domestic violence summary, described her husband's violent reaction towards her quest for independence. In this instance, the woman was living with a man who had taken complete control of her life in every respect, especially the finances, because he told her he *"knew best"*. When she began to question the way she lived and when she declared her right to know about their finances, he beat her for the first time. The volunteer who wrote this summary states that *"they both rationalized, denied, and minimized the attack blaming it on his 'stress'"*. According to writers on battered women, such as Walker (1979), this seems to be a fairly typical reaction of both battered women and battering men. However, although the relationships in this study start out as typical battering relationships, the behaviours and responses of the woman are more extreme. In many battering relationships it is the woman who is killed. The batterer assumes total control over the woman's life and the frequency as well as the intensity of the beatings are more extreme. The abuse escalates daily and the reasons for his violence towards her are no longer outside stresses. At the end of the relationship, *"he is a tyrant all the time just looking for an excuse to hit her...everything can set him off"*.²¹

²¹ Susan Fair, Freedom Link director, personal discussion.

Yes, I did it: But it was for a good reason!

The batterer may accept some responsibility for his behaviour, but at the same time he denies and minimizes the wrongness of his violence. In this study, the batterer rationalizes his violence in three different ways. First, the batterer tries to deny or minimize the injuries that are suffered by the victim. In one case, one woman, in a domestic violence summary, describes an instance in which her batterer justifies his sexually violent behaviour towards her daughter. Her batterer had molested her very young daughter and in response to her inquiry about his behaviour he told her that "he did not understand what he had done wrong. He was just *"preparing her for the future"* and said, *"she'd better get used to it."* In this instance the batterer denies the injury to the child by stating *"that he doesn't understand what he had done wrong."* He further denies his violence by explaining his behaviour as a way of 'helping' not hurting. The batterer, by denying the consequences of his violence, and by providing alternate reasons for his behaviour, is able to neutralize the unacceptability of his behaviour, and as a result, to normalize his behaviour to himself and to his female partner.

Yes, I did it: The Non-Obedient Victim

The batterer is able to rationalize his behaviour in a second way. Many of the women in their domestic violence summary, reported instances throughout their relationship in which their batterers relied on finding fault in their partners and used these faults as reasons for their violence. One way the batterer finds fault in his partner is for her not being obedient and respectful of his wishes. One woman, in a domestic violence summary,

described a situation in which her husband beat her because she was disobedient. She reported that after *"returning from an errand to get the boy's birth certificates, he beat her up outside...He said she deserved the beating because she was late."* When she did not arrive on time, she was disobedient in his eyes and she was beaten.

Similar to this example, another woman reported, in her domestic violence interview:

..... would slap me, punch me in my face, back and so forth. He would pull my hair, kick me and say, 'that's what dogs get when they don't obey their master.

In this instance, although the batterer does not give particular things that the woman has done wrong, he is quite clear that she is supposed to obey him, the master. He conveys to her that she is the *"servant"* and he is the *"master"* and that she should not disobey him or he will beat her again.

In another case, a woman in a domestic violence summary, in discussion of her decision to leave, described a situation in which her batterer justified his behaviour. Her batterer had repeatedly said that, *"if he couldn't have me no one else would ever when he got finished with me."* One night she awoke to find her body and her bed on fire. She found out her husband had deliberately set the bed on fire. From this incident, she became grossly scarred. Her batterer said, *"the burn will mean that you'll look everyday in the mirror and see me...see I told you and you didn't listen"* (p.52). In this study, again, the batterer accounted for his violence as a result of his partner's inability to listen when she was supposed to. He conveyed the idea that if she had listened to his threats to stay with him, she wouldn't have been hurt.

In addition to the batterers attempt to find fault in his partner for not being obedient, the batterer also finds fault with his partner for not being a 'good wife'. That is, she does not fulfill expectations of how a 'good wife' should behave. For example, one woman, in a domestic violence summary, reported that she could not do right in her husband's eyes:

She couldn't cook, so he routinely threw the breakfasts and dinners she made. Even though her mother had abused her until she cleaned to perfection, he felt she could not clean. When he was dissatisfied with her cleaning efforts he 'tore up' the house. She couldn't dress properly so he often physically dressed her himself. She couldn't put her hair up properly, so he pulled it down. She couldn't have sex the way he wanted so he raped her... (see pg. 48)

In this instance, the woman was beaten for not fulfilling her obligations for being a "good wife" such as cooking and cleaning, and was raped for not being sexually able to perform the way he wanted her to perform. As many of the women reported in their domestic violence summaries, no matter what they did, their batterers always found something wrong with them and punished them accordingly.

This type of justification is pervasive in all of the women's files. Their batterers expected them *"to do what they wanted and give them what (they) wanted when (they) wanted it."* That is, there is a notion of the 'male right' to have a woman who submits to his commands and his way of doing what he wants. Since batterers hold the belief that they have certain rights, one being their 'right' to own their wives, they are motivated to punish their partners for failing to fulfill their obligations as wives. In that sense, with this belief in 'male right' a batterer has rationalized and normalized his behaviour as an acceptable punishment of his wife for her 'bad' behaviour.

Yes, I did it: I'll Say Anything Explanation

There is one last way in which the batterer attempts to excuse and justify his violent behaviour. The batterer uses any number of excuses and justifications to make the violence appear normal regardless of whether what he is saying is consistent or not. For example, in several letters written by a woman's boyfriend, he is inconsistent in explaining his behaviour and the situation they find themselves in. He wrote:

You've told these people I beat you and made you do a crime...you know that's not true...I had no idea you were telling such lies and saying I made you and beat you...I'm going to do a number on you if you don't get those letters back immediately...you are stupid...you have fucked us both...I hate you for bringing this out of me...Whether you realize it or not I won your appeal...To have you turn around on me and do me wrong after I do you right---is hard on me. I've never thought of 'just me'...I have no choice...You've played me in a corner and you must realize I don't want to hurt you...I'm very mad at you and alot else...You've created it...you raped me, asshole, in a way that is as outrageous as it can be... I've never been against you and I'm not going to start. My threats were just made to stop you from doing some shit that will lock me in a death sentence...Everything about me when it comes to you has always been for you and never against you...I don't hate you...this spell that has been cast by gods or devils can't have ...I love you...

In these letters the batterer denies that he was even violent towards her and blames her for lying. He then calls her names and blames her for the situation that he is in and for his violent verbal threats when he says, *"I hate you for bringing this out of me."* He tries to turn things around by saying that she is responsible for his behaviour (anger) towards her. He says, *"I am very mad at you...You've created it...You raped me you asshole..."* He then states, *"my threats were just made to stop you from doing some shit..."* At this point he justifies his use of violent threats by saying they are a way to stop her behaviour, to control her. Then, he turns around and tells her he loves her.

In another letter from a batterer, he wrote:

My love for you and the kids has gotten me into all this...How can you do this to me...I get mad because I ain't doing nothing wrong...I just didn't tell you because I didn't want you to get mad because I know how you feel...But money is money and we need it. So I start fighting you because really I am mad with you for being so insecure...I was wrong, baby. I hate I did that so much...

In this example, the batterer murdered and mutilated the body of a man in order to stage his death to avoid drug charges. The batterer blamed his violence on his love for his partner and their children. Then he denied that he has done anything wrong and tried to turn the focus towards her by suggesting that he was angry because she was insecure. Then he changed again and admitted that he was wrong even after saying he wasn't wrong a few lines earlier.

Although all of the examples described above are very different occurrences, they all illustrate the batterer's attempt to normalize his behaviour. Whether the batterer is excusing his behaviour by blaming it on his victim or on outside influences, or justifying his behaviour by denying/minimizing the injuries of the victim, finding fault with his female partner, or using any number of excuses and justifications, he is, in all of these instances, clearly attempting to normalize his behaviour by directing the attention away from his violent behaviour onto other areas.

Furthermore, although the batterer does attempt to deny that he is responsible for his violent behaviour, the brutal manner in which he terrorized his female partner and the endless use of threats of future violence along with his controlling behaviours, his acts of intimidation, and his abusive behaviours, all indicate that his actions were deliberate. The

batterer's actions were cold, calculating ways to achieve power and to maintain control and dominance.

In most of these cases, the male batterer believed that the man is the master of the house whose needs, wishes and expectations were to be met without question by his wife. Since most of the male batterers in these cases held these beliefs, the question to be asked is, Where do they get these beliefs? Even though we live in a society in which the view on the acceptable behaviour for males and females is changing, the attitudes towards women still exist where women are subordinate to men and violence is an acceptable or normal way of maintaining this position. In these cases, if violence was such an unacceptable way of treating women, one would expect friends, family or the police to have done something to effectively help these women. Instead they all ignored and accepted what was going on as if the violence was 'normal' conduct.

In this chapter, 'other people' constructed the batterer as normal. When this construction was compared to battered women's construction of the male batterer, it was found that they shared similar constructions. Furthermore, batterer's themselves normalized their behaviour by providing excuses and justifications. If this is happening at the individual and family level, it's important to see how the constructions of the batterer are reflected in the criminal justice system. It is important to look at the actions, attitudes and responses of the various agents within the criminal justice system since they are responsible for deciding how battering men's violent behaviour comes to be defined as either criminal, or non-criminal and normal.

CHAPTER VII

ATTITUDES AND RESPONSES OF AGENTS WITHIN THE CRIMINAL JUSTICE SYSTEM

The process of normalization described in the women's and 'other people's' construction of the batterer is also reflected in the attitudes and responses of selected agents in the criminal justice system, namely the police, probation officers and defense attorneys, and judges. Furthermore, their attitudes and responses suggest that the various agents still rely on assumptions and stereotypes about wife battering. This chapter is divided into the different sections of the criminal justice process for battered women charged with killing their abusive partners or committing violent crimes: the police; probation officers; prosecutors and defense attorneys; and judges. First, the actions and responses of the police to the women's calls for assistance will be discussed. Battered women often have experiences with the police when they make calls for assistance and when they are arrested for killing their abusive partner. In this study, some of the cases involved women's accounts of police contact at the time of their arrest; however, cases mentioned in this section involved the battered women's prior experiences with the police during domestic violence calls. Secondly, the actions and responses of the probation officer, the prosecutor and defense attorney, and the judge to the women's crime will be examined.

The Police

In a previous section of this thesis, the response of the police to past acts of violence was discussed. It was important to understand how the response of the police affected the

women. The lack of response of the police added to the women's fear by allowing them to see their batterers immune from the consequences of their violent behaviour. In this section, the actions and responses of the police to the batterer's violent behaviour is important in understanding how the police construct the male batterer. Questions such as "Did the police arrest him?, Is he in jail?, What is his charge?" will be discussed.

Similar to already existing research on the police response to domestic violence calls, it was found that the police did not view wife battering as a serious crime.²² As was discussed in Chapter IV, many of the women in this study reported that when they did call the police for assistance, the police *"sometimes they didn't show up...sometimes they responded...sometimes they didn't do anything"*. One woman reported, in a domestic violence video, that *"all the police would ever do was say that it was a domestic dispute, a family affair, and they couldn't interfere."* Occasionally, police officers did not take action when they arrived at the call and realized that the batterer was either a prominent businessman or was a well-respected individual in the community. In these instances, officers still relied on old stereotypes about the rights of men in marriage and the privacy of the marital relationship. This lack of response to the abuse suggested that they believe domestic violence to be a non-criminal family matter.²³

When the police did respond to the women's calls for assistance, more often than not, they did not arrest the batterer.²⁴ The main way the police handled these domestic

²² See Sigler (1989), Edwards (1989), Jones (1994a), Goldman (1991), Stanko (1985), Freedman (1985) for a more detailed discussion of traditional police response to domestic violence.

²³ See Jones (1994a), Stanko (1985), Freedman (1985), Edwards (1989), Sigler (1989), and Goldman (1991).

²⁴ This incident is not uncommon. Many studies show that a large majority of batterers who commit domestic violence assaults are not arrested by the police. For example, as mentioned earlier on pg. 18, McEnroe and O'Connor (1994) describe a study which found that "police records show that officers did

violence calls was to *"take the batterer outside and talk to him for a while, then send him back in the house and tell him to be a 'good boy'"*. Also, in many instances when the police responded to a call they were more likely to advise the victim than to do anything about the batterer. One woman, in the domestic violence video, described her experiences with the police. In court she testified that the police had been called to her residence approximately one hundred times in the past five years. The police advised her about specific things she could do to solve her problems with her batterer. She reported that on numerous occasions the police were called for assistance and *"they would come...they talked to me and tell me to leave...go some place and spend the night until he cools off...that's what I'd do..."* Instead of removing the batterer, the police told the victim to leave her own house. This did not solve the problem because the batterer was there the next day when she arrived home. On one occasion the police advised this women to protect herself by getting a gun. When she did buy the gun to protect herself, they took it away from her. She reported:

...he was chasing me downstairs with a knife and I had my pistol hid underneath the sofa in the livingroom and I reached under there got my pistol and he saw me get my pistol. He dropped the butcher knife and ran out of the house, and at the time I was so mad I ran behind him. I could have hit him in the back but I just shot in the ground and he just hopped and screamed and went and brought back a whole bunch of police and they took my pistol.

The police also advised her to seek out an arrest warrant to solve her problems with her batterer. One officer testified that there were many arrest warrants, but she refused to sign the complaints and warrants. This is a common response of battered women since

not write reports in 45% of the calls they responded to." Also, see Walker (1979) for police response to domestic violence.

when batterers are arrested, they are not effectively punished. The batterers return home angry and the women are beaten for calling the police.

When the police did take action and arrested the batterer, the results were not appreciatively better. In one case described earlier, a woman reported that she had been beaten with a bicycle chain at her place of employment in front of her co-workers. The police were called and the batterer was arrested, however, he was only put in jail for ten days for being a public menace, not for assault.

Lastly, there was the fairly violent incident in which the batterer had physically hurt his daughter. The police were called to help. According to the daughter's mother, when the police restrained the batterer, one of the police yelled to her, *"Now look what you've done, get out of here!"* The woman was again told to leave and the husband was not arrested. This type of response suggests that in some cases even the police blame the woman for the violent situation.

In all of these cases, it is clear that the police have a great deal of discretion in making decisions for responding to domestic violence calls, whether to charge batterers or not and what charges to make. The police, described in this data, only responded sometimes to calls of domestic violence, and even less often, arrested the batterer. These examples indicate that the police either did not view the battering as a serious problem or did not understand why women did not sign complaints. Instead of taking punitive action, they tried to mediate the domestic violence disputes. It is possible that their lack of action may be attributable to attitudes about women combined with the belief in myths about battered women and the belief in family privacy.

In many of these cases there was little reference to the batterer. These cases were dealt with quickly, if they were dealt with at all. By not taking the violence seriously, the inaction by the police minimized the abuse and the batterer's violent behaviour. The decision not to take action allows the violent behaviour of male batterers to be defined as non-criminal and to be normalized.

As was previously discussed on pg. 74, the decision of the police not to take action also allows the violence to continue unless battered women escape, or seek other assistance or legal remedies. In this study, the women sought every alternative to change their situation and could not escape. The batterer's use of constant death threats, acts of violence and various control tactics over the years made the women reasonably believe that there was no escape and made them reasonably believe that their lives were in imminent danger. The women saw no other alternatives, but to kill or commit violent crime. Once the crime was committed, the criminal justice agents become involved again. The police arrest the battered woman and she now comes in contact with other parts of the criminal justice system. At this time, the probation officer and the pre-sentence report will be discussed.

The Probation Officer's Descriptions of the Battering and the Women's Crime

The probation officer is the second person in the criminal justice system to come in contact with the battered woman who kills or commits a violent crime. The probation officer is responsible for writing up pre-sentence reports. Included within this report is the investigator's version of the offense, the offender's version of the offense, the victim impact statement (which includes input from friends and family of the victim), and

evaluation and plan which is an evaluation of the relationship (this section also includes input from family and friends of the defendant).

To see how probation officers view wife battering and construct the male batterer, it is necessary to examine what kinds of information is included within the reports and how it is worded. First of all, especially in these cases in which women have been charged of crimes, it is important to know whether the abuse was mentioned and to what extent it is explained because these reports are accepted into trial as evidence and are used by the judge towards making a decision in sentencing.

There were some instances in which the abuse was not even mentioned in the pre-sentence report. In one case in which there was a substantial record of abuse by the husband who was killed, the probation officer did not focus on the abuse. In fact, there were extremely different versions of what happened when the crime occurred. Instead of focusing on the abuse as the major reason for what happened, the probation officer stated:

_____ learned that the husband had an insurance policy worth \$80,000 and that she was the beneficiary because of the breakdown in marriage and a desire to have money, she decided to have him killed.

The officer in this case recommended that the woman who was charged receive counseling and education so that she might be able to give her family the truth about her actions.

This pre-sentence report is cursory. Even if the probation officer did not know about the abuse, it appears as if he focused on the insurance motive without making the effort to investigate other motives of the woman. This type of explanation for the crime is used frequently by the probation officer who tries to align him/herself with the prosecution.

These explanations take the focus away from any of the abuse suffered by the women or

the conduct of the batterer and puts the focus on other possible motives of the women. She is held entirely responsible for the crime. In this type of explanation, the battered woman is constructed as a lying, manipulative woman who deliberately has set out to kill her husband.²⁵ When the batterer's violent behaviour is not taken into account, the domestic violence is still viewed as less serious and the batterer's violent behaviour is viewed as non-criminal and normal.

In many other cases, domestic violence was taken into account. However, in some of the cases, the reports minimized the severity and/or the amount of abuse suffered by the women. For example, in one case, the probation officer, in the pre-sentence report, stated:

The relationship between the defendant and her husband was rather hostile. It does appear that the defendant was often physically abused. However, the fact remains that this was an extremely brutal offense, where the victim was killed during his sleep...Furthermore, there appears to be some extenuating circumstances in that the defendant does appear to have been an abused spouse.

In this instance, although the probation officer does state that the woman was an abused spouse, s/he does not explain in any detail the type of brutality or intensity of the abuse the woman suffered over the years that would lead to such a crime. The statements made by the probation officer in the pre-sentence report that the relationship was "rather hostile" and the abuse had "some extenuating circumstances" indicates a total lack of sensitivity to the violence and terror to which the woman was subjected to. The choice of words

²⁵ See Kristie Pagnello. 1995. The Legal Construction of the Battered Woman: The Limitations of the Battered Woman Syndrome in a Sample of Violent Female Offenders in Prison. University of Windsor, Unpublished Master's Thesis.

used by the probation officer to evaluate the battering situation minimizes the battering relationship and the role the abuse plays in the crime committed by the woman.

In other instances, the probation officer also minimized the abuse. For example, the pre-sentence reports contained statements such as, *"She had been a battered wife for thirteen years"* or *"...it was a very abusive and disruptive family situation starting in her childhood and continuing through her marriage."* Although these probation officers acknowledge that there was abuse, the way the years of violent experiences are summarized into one line statements totally minimizes the woman's experience of abuse and the batterers violent behaviour.

In another case, the probation officer stated:

she claims that she had been a long term victim of wife abuse and that _____ was a drug addict whose personality changed as a result of using drugs...she covered up the abuse to save his reputation and she didn't leave because she didn't want another failed marriage and because he threatened her.

In this report, although the probation officer makes an attempt to include information concerning the batterer, he does not describe the abuse that the woman was subjected to and does not explain how the batterer's behaviour changed as a result of using drugs. Also, the statement made by the probation officer, *"she claims that she had been a long term victim of wife abuse..."* makes the woman's belief that she was a victim of wife abuse something that is questionable.

In summary, the probation officer, in most of these cases, either made no mention of the abuse and the batterer or made some mention, but minimized it's seriousness. The cases in which the abuse was mentioned, the batterer's role in the abuse was not clearly

stated and there was not a clear picture drawn of the batterer's character. This has a big impact on the trial because the probation officer's reports are used by the judge.

Therefore, if the probation officer does not view the batterer's behaviour as important enough, chances are the judge will not either. This will be discussed in more detail later.

The Attorneys: Prosecution and Defense

The response of the attorneys, both for the prosecution and defense, to the wife battering and the male batterer are important for understanding how the male batterer is constructed. The decision whether to include the abuse and other behaviours of the batterer as well as the responses of the defense are important to understand how the batterer is constructed.

The prosecutors, not surprisingly, focused their attention on the women's behaviour. In one case, at trial a woman testified that after witnessing her boyfriend killing someone, her life became a life of violence and abuse perpetrated by her boyfriend. The prosecutor proceeded against her by stating that she had aided and abetted the killing by planning and encouraging it:

I believe the defendant had troubles with _____. I believe that he hit her. But the fact that she might have had troubles and the fact that she might have been beaten at times by _____ does not excuse her involvement in the crime. It is no excuse for murder.

These statements, and the fact that the woman was on trial, suggest that the prosecutor minimized the impact of the abuse on the woman, and chose instead to focus attention on the woman's behaviour. The woman is seen as equally responsible as her boyfriend for killing his stepmother or at least for not preventing or reporting his actions.

Other responses made by the prosecutors illustrate their attitudes toward wife battering. In one other case, according to a volunteer of the Freedom Link project, the prosecutor acknowledged that the husband was violent, but they claimed that she was not a battered woman because "she was assertive and held a job". This type of response suggests that this prosecutor has a narrow understanding of battered women. First, by saying that she was not a battered woman because she is assertive implies that they hold the belief/stereotype which portrays all battered women as passive, powerless and lacking in motivation. Not every battered woman experiences abuse in the same manner. Not every battered woman reacts and expresses their feelings about her crime in the same manner. For example, many of the women in this sample did not fall into a state of helpless and passive behaviour. They did, however, in most cases try to modify their behaviour in an attempt to control their batterer's anger and abuse. One woman reported, in domestic violence data, *"At first she became angry and raised her voice to him. She soon learned to keep her mouth shut around him. She tried to change herself by not raising her voice, hoping that the anger would pass."* Second, many battered women hold jobs, but their paychecks were taken by their batterers. The time they spend at work was accounted for by the batterer so that he maintained control over his partner but also benefited from her working. In brief, the prosecution in this case does not take into account evidence about the male batterer. In most cases, the men's violent character was not allowed into evidence and his abuse was minimized which made the woman's action unreasonable.

It was not only the prosecution, but the defense as well who often did not bring the abuse into evidence.²⁶ Some of the women were forbidden to testify to any of their batterer's abusive behaviour and some did not have any witnesses called to corroborate when they did tell their story of abuse. The attorneys told the women that they should not testify to any of the abuse because it would make them look guilty and it would show motive. In these cases, since there was no mention of the abuse, there was also no mention of the batterer. As a result, these women were without this defense at trial. One woman reported, in a legal interview, that she wrote 32 pages about her life, however, there was no indication that her attorney followed up on the information she had provided. As a result, there were no witnesses presented on her behalf, there were no hospital records or police reports that supported her testimony that her husband had tried, on several different occasions, to kill her. Since she did not have any supporting evidence to corroborate her story, issues concerning domestic violence that were raised by the defendant were not regarded as pertinent to the case by the judge.

In some cases, the defense did submit evidence of abuse and the batterer's abusive behaviour. For example, one defense attorney, in closing remarks, summarizes his defense at trial by stating:

...(After looking at) his disposition, his temperament, his attitude towards other people and life, there is no indication that it changed after he left home or in the last five years when he came to live with _____. It was that way prior to that time and we gave you many illustrations of events prior to that time...he had vicious tendencies...he went after other people...he drank a lot...he killed a man with a knife...

²⁶ The defense was not always defending women who killed their abusive partners. The women were charged with crimes sufficient to get long sentences in order to be in the Clemency project.

In this instance, the defense included evidence relating to the batterer's abusive behaviour. The defense tried to illustrate here that the male batterer was responsible for the abuse since he was violent his whole life, not only when he lived with his female partner. As a result, this attorney does attempt to place responsibility on the batterer.

In cases that involved the battered woman committing a violent crime, the defense even included testimony on the batterer's violent behaviour. For example, in one case, the defense attorney tried to explain to the court that his client feared the batterer because he was an abusive person who would become violent if she did not participate in the crime. He also argues that his client was not responsible for the batterer's violence due to the fact that she was involved in a battering relationship:

I don't think that there is much doubt in anyone's mind that _____ is an abusive type man...(He) is the type of man who would very easily explode if he didn't set his own ways and if she didn't help him, that he may do that...I legitimately believe that she was afraid of _____.

It is difficult to imagine a more skewed psychological interpretation of the circumstances. _____ was no more responsible for _____'s violence than _____'s lawyer who he assaulted during the trial. This was a relationship where the defendant had no control, no power, and no assets, only liabilities...

In another case, the defense attorney attempted to explain that his client had every reason to fear her batterer based on his past acts of violence and abuse:

_____ had first hand knowledge of the full extent of her abusers viciousness, having witnessed him murdering the deceased, and therefore had every reason in the world to fear him and to obey his directive that she remain silent.

In these instances, the defense attorney includes evidence that the battered woman had every right to fear her batterer because of his violent and abusive behaviour. The defense

made the attempt to turn the exclusive focus away from the woman's actions and include the responsibility of his violent behaviour. However, even providing evidence about the abusive nature of the batterer did not benefit the women. The defense attorneys, since the battering situation has been normalized, cannot conceive of being able to defend a battered woman who actively participated in a violent crime. The defense attorney tried to explain that the battered woman actively participated in the violent crime because of fear.

Although fear is a major part of why, I do not think that simply using "fear" sufficiently establishes why the battered woman actively participated. The impact of the battering over the years should be explicitly drawn out. Due to the battered woman's past threats and acts of violence, battered women are aware of their batterer's dangerousness and violence, they believe that he is 'larger than life', they live in a state of constant fear and paranoia of their batterer, and reasonably believe that there is no escape. They believe that he will never let her go. Battered women in these cases commit their crimes as a means of survival. They don't want to die and don't want their children to die. In brief, the less than adequate explanation puts the women at a disadvantage at trial because the judge does not see the full impact of the battering. As a result, the batterer's character and the battering situation become further trivialized and normalized. This will be discussed in greater detail in the section on the judge's construction of the batterer.

In cases in which the defense blamed the batterer's behaviour on outside influences, the women's defense was not benefited. For example, one attorney stated:

It seemed she had seen _____ abuse his own step children who were living in the home because he didn't like the way they did dishes. We are talking about a man who was so overcome by the consumption of alcohol most of the time that he was not capable of acting in a rational manner.

The defense blamed the batterer's irrational behaviour on the alcohol, suggesting that if he did not drink he would not have been abusive or irrational. The defense also stated that *"he was not capable of acting in a rational manner"* which suggests that the batterer did not know what he was doing. However, as was previously discussed in Chapter V, the male batterer in most instances does know what he is doing. His threats, violence and other controlling behaviours are purposeful, well planned and well implemented to instill fear in his female partner and make her believe that there is no escape. Since these men were violent whether or not they drank or used drugs, alcohol and drugs can be seen as an excuse for batterers who are abusive. In brief, most explanations used by defense attorneys normalize the batterer's behaviour because alcohol is described as responsible for the batterer's behaviour.

In addition, there were instances in which the defense attorney's efforts and responses were not considered to be helpful for the women. In one case, a defense attorney who was reporting back to his client about the judge's decision for an appeal, stated, *"now let's stop playing games, after all she did shoot him!"*. This statement indicates a lack of knowledge about battered women at trial. The first part of this statement, *"now let's stop playing games..."* indicates a flippant and disrespectful attitude towards this woman. In the second part, *"..after all she did shoot him!"* the attorney emphasized what was already clearly admitted by the woman. She knew she was guilty of killing her batterer. Instead, she felt the attorney should have emphasized the abuse as a mitigating circumstance and explained her crime in terms of self-defense. Most of the women in these cases did not try to prove that they had not committed the crime. They wanted the court to understand

why they had committed the crime. This statement above suggests that the attorney himself does not think that the domestic violence evidence was important but rather that the actually killing itself was important. The defense in this case shows the attitude that is often reflected in the court room, "murder is murder."

In a situation in which a defense attorney, at a sentencing hearing described the numerous circumstances that could mitigate his client's culpability, he stated:

_____ beat her continuously over a period of years. He beat her children, he was not the father of these children. No women, or no person should be subjected to a continuous beating, even if it results in the death of a person like _____. Now I'm not saying _____ deserves to die but I think _____ contributed to this own death by virtue of his actions... _____ was no good...She certainly had the children to think of. She loved her children. These children were not _____'s and yet he beat them too.

The attorney in this instance does bring evidence surrounding the abuse that the batterer subjected the women and her children too. One statement this attorney made is telling. When he stated that "*these children were not _____'s and yet he beat them too*", the attorney suggested that it was not acceptable for this man to beat the children because he was not their natural father. The attorney also implied that it is more acceptable to beat one's own children than to beat the children of another person.

In summary, it was not unusual when the defense attorneys did not represent their clients well. There were many cases in which the defense did not include evidence of abuse. The decision not to include evidence may be because they do not understand the type of defense these women need or possibly the defense attorneys do not find the batterer's behaviour serious or important enough to use as evidence at trial. They also may realistically realize that this information will not be effective as the courts now exist.

For the benefit of these women, defense attorneys need to introduce battery. The decision not to include domestic violence continues in the normalization of the male batterer and the focus is put on the women and her actions at the time of the crime.

In general, the inclusion of evidence of domestic violence by defense attorneys did not benefit the women to any extent because of the way the abuse was explained. Underlying explanations by some attorneys were stereotypes about battered women and domestic violence. Furthermore, although some defense attorneys did include documentation of domestic violence evidence, in the end, even the documented abuse did not benefit the women because the judges did not view the battering as important in deciding these cases.

The Judge²⁷

The judge is the final person in the process of the criminal justice system that can evaluate the domestic violence situation in cases where domestic violence victims are charged with killing their abusers or collateral crimes. The judges in the records of these women made comments at the time of sentencing. The decision to include the abuse or not and to take it into consideration at sentencing as well as the comments of the judges are important in understanding how judges view wife battering and how they construct male batterers.²⁸ It seems reasonable that in cases involving women who have committed violent crimes, where there is a well documented and established history of domestic violence, that when the abuse is a mitigating circumstance it should weigh heavily at sentencing.

²⁷ These cases are judge or jury convicted. Most cases involved comments made by judges. This section used the comments made by the judges.

²⁸ All of the judges that were referred to in these files were male.

In a number of documents, judges gave reasons for their sentences which suggested that they did not understand wife battering. In one case, according to a volunteer of the Freedom Link project, at trial there had been considerable testimony documenting the horrible abuse including evidence that on the night the woman killed her husband, she was in fear for her life and safety as well as that of her children. The volunteer stated that in court:

although the trial judge acknowledged the fact that Ms. _____ had been battered, at the time of sentencing little weight was given to the egregious nature of the abuse. The judge specifically mentioned that Ms. _____ was less deserving of a lighter sentence because she had found the strength to leave _____ when they were living in _____.

In this case, it is clear that the judge lacked of understanding of domestic violence. First, the statement “*she found the strength to leave*” implies an assumption that once a battered woman left her batterer, she was safe and consequently returned to her batterer on her own will. However, this is far from the truth. Many of the women in this sample reported that after being subjected to emotional, verbal, sexual and/or physical abuse, they attempted to leave their batterers. The women who did leave were often followed, tracked down, continuously harassed and beaten more severely by their batterers than before. When they were forced back to live with the batterer, he resumed total control over every aspect of their lives and threatened, for example that if she left again he would kill her.

Secondly, the fact that the judge gave little weight to the brutal abuse that the woman and her children were subjected to suggested that he did not think that the abuse was as important as the fact that she ended up living with the batterer again. He implied that she

is responsible for being in the battering situation, and therefore, deserves a harsher sentence. The judge, in this case, examined the battering relationship by focusing on the woman's response to her batterer's violence but did not view the abuse serious as a mitigating circumstance.

In another case, the judge rejected any mitigation while accepting the woman's explanation for shooting her husband. A brief used at trial stated that there were several witnesses who portrayed the woman's abuser as violent and aggressive, as violent especially when drunk, as an unbalanced individual who treated his marriage as a master-servant relationship, and as a man who, through his actions, physically brutalized and emotionally terrorized his female partner. At sentencing the judge stated:

while there is evidence of spouse abuse that I believed on the other hand the defendant's explanation for the shooting is inexplicable, I believe there was some abuse. I believe the defendant was a person who had been regularly demeaned by the victim and was a person of low self-esteem...I believe there is genuine remorse on your part, I must tell you that the proper option in the situation that you found yourself in would have been to seek a separation or divorce.

Based on the statement made by the judge he accepted the account of the abuse, but did not see the killing as justifiable. Many women do try to leave their batterers only to be threatened, followed and beaten. The judge's use of the qualifier "*some abuse*", in effect, minimized the abuse suffered by the woman and the nature of the batterer's behaviour.

Furthermore, the judge explained to the defendant at sentencing that had she worded her explanation differently she would have not been convicted. "*Judge _____ said that if I had worded things differently I would not have gotten convicted. If I had said that I had shot him during a struggle to avoid battering it would bring diminished capacity into*

it.²⁹ The judge suggested that framing her explanation in the language of the court or not telling the exact truth would have been beneficial. According to the expectations of the judge, a woman must kill her batterer during a struggle in order for it to be self defense. What appears to have happened is that a battered woman who has committed a violent crime must stand before a patriarchal court system in which the law invokes experiences, expectations and values of males. The law, as it existed in Michigan, did not allow these women to explain their situations from their perspectives, and as a result, they were regarded as deviating from a male norm.³⁰ In the case mentioned, the woman's experiences cannot be explained and understood properly in terms of the courts views on murder and self-defense. The law has consistently reasoned from a male view point that the self-defense rule can only be invoked in the crime charged, without reference to the previous abuse. As a result, the defendant was considered responsible and deserving of blame for being too aggressive by killing. The judge speaks of "*proper options*" that she should have sought. She is considered a 'bad', 'foul' woman who should be locked away for life.³¹ The judges remarks suggested that if she had explained her situation in terms

²⁹ According to Black's Law Dictionary (1990), diminished capacity means that although an accused was not suffering from a mental disease or defect when the offense was committed sufficient to exonerate him/her from all criminal responsibility, his/her mental capacity may have been diminished by intoxication, trauma, or mental disease so that s/he did not possess the specific mental state or intent essential to the particular offense charged. (*State v. Corraera*, R.I., 430 A.2d 1251, 1253). In this case, the woman was suffering from Battered Woman Syndrome which left her without the psychological ability to leave her situation.

³⁰ It was not until 1992 that the Michigan Court of Appeals, in *People vs. Wilson*, ruled that expert testimony regarding the Battered Woman Syndrome was admissible in murder cases in which the defendant claimed self-defense. Before this decision, the trial courts decided as to whether expert testimony regarding the Battered Woman Syndrome should be allowed in self-defense situations.

³¹ Past criminologists have relied on male models to interpret women who commit violent crimes which have emerged and reproduced within the criminal justice system so that criminal justice experts have relied on traditional conceptions of women when evaluating women who commit violent crimes. This type of explanation by criminologists and criminal justice experts has resulted in contradictory dichotomies of only two types of violent women, 'crazy' (mad) violent women or 'evil' (bad) violent women. Within the criminal justice system, women who commit violent crime are depicted as either

killing the victim during a struggle, she would not have been considered responsible; however, she be considered insane. Under the current law, this woman cannot be viewed as a woman who was acting reasonably out of legitimate fear. The law does not recognize that battered women believe that based on their batterer's past threats and violence, he is potentially lethal.

In other cases, judges made statements that indicate their attitudes toward and stereotypes about battered women who kill. One judge during the time of one women's trial in press stated *"I'm sick of all of these women killing their husbands and getting off and I'm going to make an example of her."* Two other judges made similar comments about battered women. One of the judges at sentencing when laying out the factors he considered stated:

...there is a fourth factor that is of equal importance. This is the factor of deterrent, the example that is set so that others do not feel that they can afford to commit those types of crimes. And that is a very significant factor in this courts decision in it's sentence.

This statement suggests that the judge was going to make an example out of the woman because he did not want other battered women to feel that they could go around killing their husbands because they hit them. First, these statements imply women who have been

'mad' or 'bad' based on whether their behaviour is considered to fall within the boundaries of conventional femininity and based on the maleness of the laws upon which they are judged. For example, criminal justice experts have lumped battered women who kill their spouses into one category as suffering from the Battered Woman Syndrome. These women are typified or characterized in terms of the type of person they are such as helpless, passive and emotionally deficient. Again, these typifications affect the way the criminal justice system responds in terms of sentencing. For a more detailed discussion on how violent female offenders have been described within criminology and the criminal justice system see Sandra MacMillan, 1994. Criminological Descriptions of the Limited Woman: How it Impacts on and is Represented in the Criminal Justice System -- An Alternative Understanding of Women Who Commit Violent Crime. University of Windsor, Unpublished paper.

battered are killing their husbands in large numbers. This is not true.³² Some women who are battered end up leaving the abusive relationship, and some women do escape from their batterers. Occasionally, women who kill their batterers are not convicted. Most of the women in this study did attempt to leave on several occasions during the years of brutal and intense violence, but received little social support from the police or their families. Many sought out every viable alternative available to protect the lives of the children and themselves only to come to the conclusion that there were no more options available to them. They believed that killing their batterers was the only way out. For example, one woman reported that she tried many different avenues to end the violence in the lives of her children and herself. She tried to change herself by not raising her voice hoping the anger would pass. She tried to get her husband committed to a substance abuse program in hopes that if the drinking stopped so would the violence. She often tried to go to her mother's house with her children for safety only to be followed and harassed by her batterer. She even had the locks changed on her apartment door only to have the door kicked in "*half a dozen times*". The police were called many times and she received no effective help from them. Also, she reported that she did not know about shelters. This woman was on her own and it appeared that no one was going to help her. The women in this study described themselves as "*in a state of perpetual fear and anxiety*" caused by their batterers. They believed that they were facing imminent danger at the time of their crimes.

³² According to Statistics Canada (Nov. 1993), only 9% of male homicide victims are killed by their intimate partners, whereas almost half of the women murdered in Canada were killed by their intimate partners. Also, Crawford and Gartner (1992) examined the rates of spousal killings of females and males in Ontario from 1974-1989. They found that the rate at which females are killed by their male spouses is much greater than the rate at which males are killed by their female spouses.

The second statement that implied that battered women cannot go around killing their husbands because they hit them is also problematic because it provides no solution for women who have tried every alternative to change their situation and cannot escape. What are they supposed to do? There is a real possibility that if the woman didn't kill her batterer, he would have eventually killed her. Women, who have faced similar situations to the women in this study should be tried in a legal system that is based on women's experiences. They should be able to defend their lives and their children's when there is reasonable belief, in their eyes, that they are in imminent danger.

Secondly, the judges' quoted clearly that they believe that battered women who kill get off or get light sentences. However, a large majority of women who kill are convicted and go to prison.³³ The average sentence for women who kill men is much higher than when men kill women.³⁴ In this study, the shortest sentence was 15-20 years for second degree murder. Judges' statements suggested that they do not sentence women based on all of the facts in these cases. That is, the domestic violence history and the batterer's behaviour are not taken into account, and as a consequence, the women are held wholly responsible for their crimes. These statements consider only the immediate crime rather than the unpunished acts of the batterer. The batterer's violent behaviour is not considered sufficient cause and is normalized.

³³ According to studies reported by the National Clearinghouse for the Defense of Battered Women, 75% of women who kill are convicted and go to prison. For more information see Charles Ewing. 1987. Battered Women Who Kill: Psychological Self-Defense as a Legal Justification. Massachusetts: Lexington Books; Angela Browne. 1987. When Battered Women Kill. New York: The Free Press; Holly Maguigan. 1991. Battered Women and Self-Defense: Myths and Misconceptions in Current Reform Efforts. University of Pennsylvania Law Review. 140 (Dec): 379-486.

³⁴ According to Carol Jacobsen (1994) in Criminalization and Corporal Punishment: A Fact Sheet on Women in U.S. Prisons, the average sentence for men who kill women is 2-6 years. The average sentence for women who kill men is 16-20 years.

In some cases, the judge did acknowledge the male batterer's conduct at sentencing.

For example, in one case the judge:

noted, based on the PSR (pre-sentence report), that he (the victim) supported himself by selling cocaine although he lived for four years in common law with the defendant and they had two children, he maintained at least one other girlfriend, that he previously sexually abused defendant, that he was an evil person who belonged in jail.

However, the same judge also noted that:

intentional taking of _____'s life is unjustified and inexcusable whether the life taken by that of a good or an evil person...despite the victims unsavory character the defendant was caught up in this lifestyle and remained by her own choosing as opposed to breaking off from or leaving the decedent, as was an option available to her.

In this instance, the judge briefly described the woman's situation and the batterer's behaviour. However, it appeared the judge did not think that the batterer's behaviour was in anyway equal to that of the defendant. He based his judgment in these cases on selected parts of the pre-sentence report prepared for sentencing and neglected the parts that mentioned that "*_____ would threaten to kill her family, hit her with a baseball bat, kick her, try to make her think she was crazy...*" The judge maintained "*the defendant was caught up in a lifestyle and remained by her own choosing...*" This comment illustrates a lack of understanding of wife battering and the problem many women have in leaving the relationship if she wanted to.

In other cases, the fact that the batterer died and the woman didn't is the most important consideration in the judge's decision. The judge made statements such as "*...it does deprive her two children of their natural father...as poor an individual and certain levels as he might have been, he was their natural father, and they now do not have a*

natural father...” or *“I have sympathy for Ms. _____ in being separated from her children. Certainly what ever happened here is not the fault of the children. On the other hand, this is a serious offense. _____ is dead, and as I’ve said before, no one can replace him.”* These statements illustrate how the judges place less relative importance on battered women who kill their husbands than on the batterers themselves. Although judges recognize that there has been abuse, it is not considered as serious as the fact that the battered woman has committed a serious violent crime which basically sends the message that the repeated battery was not a serious violent crime. The act of killing is considered too aggressive, to ‘unwomaning’, and too serious, and thus, the battered woman must be criminalized for killing her abuser.

In another example, while a woman was forced to assist her boyfriend in an armed robbery, stereotypes and attitudes towards battering are prominent. Although the judge was aware of the victim’s violent character, there was minimal evidence of domestic violence mentioned by the judge at the sentencing hearing. In fact, the judge did not consider the woman a victim, but stated that she was responsible for her situation as well as responsible for the victim’s actions. The judge states, *“...she was just as much a part of this as he was in this -- much of her personality is not as bad as his. But again, she feeds his personality.”* These statements show the judge equating the woman’s conduct with that of the batterer. The judge excused the man’s behaviour by suggesting that the woman was to blame for his behaviour as well as her own in that she provoked him into acting in a bad way. As was previously discussed, the stereotype that the woman

“provokes” her batterer has existed for many centuries and obviously is difficult to dispel.³⁵

In summary, many of the above examples demonstrate that the judges in this sample hold certain attitudes and stereotypes. Several judges in these cases perceive battered women to be killing their husbands and not being convicted or getting light sentences. One judge still held the belief that battered women provoked their batterer's to behave badly. The judges' responses to the women, mainly at sentencing, suggested that they still believed that women are solely responsible for the situations in which they find themselves. The judges often responded by telling the women of the “*proper option*” they should have used in order to get away from their batterers. They also mentioned that even if she was battered, she had killed her husband, or father and no one can replace him. These responses and the sentences that men get for killing their partners are indicators that women's battery and death is not viewed as important as men's killing by women. Although some judges' attitudes are “murder is murder”, it is clear that these judges lack understanding of domestic violence murder cases. Knowledge of battered women was not applied in the handling of these cases involving women who committed violent crimes as a result of their battering situations. Judges, in many of these cases, were not dealing with women who had extensive criminal careers. The majority of the women in these cases did not have criminal records prior to this offense, and all of the women included in the Freedom Link cases reported their actions as self-defense in response to perceived imminent danger.

³⁵ See pg. 2, pg. 11, and pg. 85 which all discuss the stereotype that battered women provoke their batterers.

Furthermore, these examples illustrate that most criminal justice system personnel do not understand “why she stayed” “why she just didn’t get a separation or divorce” and do not concern themselves with “why he doesn’t let her go.” By attending individually to these cases, explanations of battered woman’s behaviour is not fully understood and responsibility for the consequences of battering is taken away from the men. Even though, in some instances, there was acknowledgment of the batterer’s violent character in the judges’ responses, the focus was always turned back to the woman. At sentencing, in most cases, there was little weight given to the domestic violence history. As a result, the woman’s response was considered an abnormal one, while the male’s behaviour was normalized. The lack of knowledge of domestic violence as well as stereotypes held by these judges have contributed to an ineffectual criminal justice system handling domestic violence murder cases.

In the first section of this chapter, the police who dealt with battered women in domestic violence situations, and the probation officers, prosecutors, defense attorneys, and judges who dealt with battered women who committed violence crimes, relied on assumptions and stereotypes about wife battering. In most cases, the abuse and the batterer’s violent character was not mentioned or was minimized. Also, the lack of knowledge of domestic violence and stereotypes of battered women resulted in an ineffectual criminal justice system handling domestic violence murder cases. Furthermore, the second section in this chapter found that battered women are influenced by societies constructions of the male batterer. These constructions disadvantage women in the criminal justice system.

CHAPTER VIII

FINDINGS AND CONCLUSIONS

Conventional approaches to the problem of wife battering have concentrated on studying women, and by examining the battered woman, experts have located the problem of male violence in the woman's response to it. Research has been more concerned with pathologizing battered women's behaviours, actions, and experiences. These explanations have reduced the social problem of wife battering to an individual pathology and have only added to "socially constructed ideas about women and victimization" (Comack, 1993:49). As long as these myths continue to exist, women are blamed for their own abuse and men are excused or ignored for their own violence (Walker, 1979). As a result, the male batterer and his behaviour in a sense are condoned, legitimized and normalized.

A study of male violence, in contrast to studies that individualize wife battering, must focus on the male batterer and examine the role society and its major institutions play in constructing the male batterer as normal. That is a study must be concerned with the long term patterns of abuse as a form of male patriarchy. Men have dominated and maintained control over women in society through violence. Our society through its various institutions has permitted, fostered, and legitimized male violence. The law plays a central role in constructing what actions and behaviours are considered violent and criminal and thereby constructs what men are considered acceptably abusive or 'normal' (Kelly and Radford, 1990-91). In contrast, women who do violence, even to those who have done them great harm, are seen as reprehensible and are punished severely.

Summary of Findings

In support of literature and theory on violence against women which suggested that men will be seen as normal and women as abnormal, it was found that the normalization of the batterer was reflected in the accounts and responses of battered women, 'other people' and selected criminal justice officials. The women in this study constructed their batterers as 'normal' by using a number of descriptive patterns. The women described their batterers as having a "*Jekyll and Hyde*" type personality. They described their partners as going through "*lucid periods*" of loving and caring behaviour, and then irrational periods where he became "*uncontrolled*", "*violent*", "*abusive*," and "*extremely jealous and possessive*." These women relate that when he was drinking or using drugs "*he would act like Dr. Jekyll and Mr. Hyde*," or "*he was very, very abusive*," "*violent and dangerous*," and "*extremely jealous and possessive*." The women use words such as "*uncontrollable*" and "*in a rage*" to describe their male partners and their behaviour. Thus while the women in this study diminished their batterer's responsibility for abuse by invoking terms such as rage and uncontrollable temper mitigated by drug or alcohol use, they did not apply constructions of abnormality or psychosis. Their responses and descriptions suggest that most of the women have learned to regard abuse and even uncontrolled rage, violence and unpredictability and behaviour that is accepted as 'normal', for husbands and lovers.

In addition, it was found that the women viewed their batterers as "Larger than life", omnipotent, and with almost superhuman abilities to inflict violence upon them without consequence. The women in this study reported five different strategies by their male

partners which made them appear extraordinary to the women. Although these women feared their batterers they did not construct them as crazy persons. The batterer is constructed as extraordinary, as a 'super-man', not a 'super-psycho'. His violence and other behaviours are not viewed as a result of any psychotic tendencies. Instead, he is viewed as a normal person whose behaviour is, at times, uncontrolled, violent, mean and fearsome.

It was found that for the women in this study the construction of the situation results in the killing or committing of a violent crime. Killing the batterer is a solution based on the perception of the women that there are no other alternatives to end the violence, and based on how the batterer used violence against them in the past. It was found that most of the women in this study sought out every alternative available to protect their lives and the lives of their children. The women sought assistance from friends, family, and the police. They tried to escape, and they sought out other legal remedies only to come to the conclusion that there were no more options left available to them. The batterer, through various death threats, acts of violence and control tactics, successfully instilled fear and made his female partner believe that there was no escape. She saw that he was 'larger than life', that he had the ability and the power to carry through with any violence toward her. The woman in a battering relationship is continuously threatened and beaten over months and years and reasonably believes her batterer's threats and reasonably fears his every move. This research also suggests that it is frequently the batterers, through the use of weapons, who have introduced this form of violence as a solution to the women. It was found that once women realized that there is 'no way out' and that the brutality and

frequency of the violence escalated and was not going to stop, they learn to consider the use of weapons.

The women's construction of the male batterer as 'normal' was reinforced by 'other people', the batterers themselves and the agents in the criminal justice system. It was found that 'other people', namely family, friends, co-workers, and neighbours, also normalize the male batterer. The descriptions of 'other people' indicated that women's views of their batterer are realistic. 'Other people' described the male batterer as someone who "*led a Dr. Jekyll and Mr. Hyde existence.*" They described the batterer as a fun-loving, nice friendly person whose personality changed as a result of alcohol and other drugs. On numerous occasions, the batterer was described as being "*in a drunken rage*", or as having "*unmanageable violent behaviour*" or "*an inability to control himself.*" These references to the batterer suggested that his behaviour was a result of influences, such as alcohol or other drugs, and was beyond his control. There was only one mention of the batterer as 'crazy'. However, the batterer was so labeled only in a case in which a child was raped. Although there was one mention that the male batterer may be crazy, for the most part, the male batterer was normalized. There was no mention in statements by friends, family members, neighbours or co-workers of attempts to have the male batterer committed or that indicated expectations that he would be punished or imprisoned.

Normalization of the batterer also occurred through non-intervention. It was found that 'others', were aware of the batterer's violence. Instead of acting on this knowledge, they accepted it and acted like this violence was 'normal' conduct. This research suggested that the acceptance of the violence and lack of action to help the women was a

result of 'other people's' construction of the batterer as a fearsome individual who may inflict violence upon them if they became involved, but also as someone whose conduct was tolerated.

The findings drawn from this research support other research on male batterers. Similar to Ptacek (1988), it was found that male batterers themselves use excuses and justifications to normalize their own behaviour. The batterer excuses his behaviour by blaming it on outside influences and justifies his behaviour by denying or minimizing the injuries of the victim, finding fault in his female partner or using any number of excuses and justifications in an attempt to normalize his behaviour by directing the attention away from his violent behaviour onto other areas.

Like battered women and 'other people', it was found that selected agents in the criminal justice system, namely the police, probation officer, prosecutor, defense attorney and judge, normalized the male batterer. This normalization was reflected in their actions and responses. Most actions and responses suggested that the various agents still rely on assumptions and stereotypes about wife battering and battered women who commit violent crimes. These agents turned the focus away from the male batterer and put more seriousness and responsibility on the women's actions. As a result, this minimized the batterer's actions, and in effect, normalized the batterer. This research further suggests that the criminal justice system has little precedent or understanding concerning domestic violence murder cases and as a result, is ineffectual in its response to them.³⁶

³⁶ Even in Michigan where a battered woman has been able to have battering taken into consideration since 1977, the actual consideration of the Battered Woman Syndrome only came into effect in 1992. People vs. Wilson, 194 Mich App 593 (1992). As a result of the People vs. Wilson case, when a victim of battering is charged with murdering her abuser, she may use a claim of self-defense when she reasonably believes that her life is in imminent danger or there is a threat of serious bodily harm. Before this

The police in most domestic violence calls, did not take the violence seriously. When the police responded to women's calls for assistance, they rarely took any action. Most of the time, they tried to mediate between the battered woman and the batterer. It was found that situations described by the women in this study support other researchers views, such as Goldman's (1991), that police inaction may be attributable to attitudes about women combined with the belief in myths about battered women and the belief in family privacy. Furthermore, police inaction resulted in the minimization of the batterer's violent behaviour and the batterer's behaviour to be defined as non-criminal and normal.

The probation officer's pre-sentence report for the women in this study either made no mention of the abuse and the batterer or made some mention, but minimized it's seriousness. Also, probation officers in some instances either left out statements from the women's family or neglected to contact them at all. The cases in which the abuse was mentioned, the abuse was not clearly stated in a detailed manner and there was not a clear picture drawn of the batterer. The probation officer's observations and accounts in the pre-sentence report suggest that they do not view the abuse and the batterer's behaviour as a sufficient mitigating factor in the woman's crime. Again, when information concerning the batterer is either excluded or ignored, the batterer's behaviour is normalized.

Thirdly, the attorney's, the prosecutors and defense, responses towards the women suggest that they also rely on stereotypes and attitudes about battered women. It was found that in some cases, the prosecutors held the stereotype which portrays all battered

decision, the trial courts decided whether or not to allow expert testimony regarding Battered Woman Syndrome to support a self-defense claim.

women as helpless, powerless women who lack the ability to make the decision to leave the abusive situation. Women who are deemed as assertive who have lives outside the home are not considered battered women and therefore, the focus and responsibility for any type of abusive behaviour is removed from the male, and he is not focused on as a batterer but rather as the victim.

It was also found, not surprisingly, that the prosecutor still focuses on the women's response to the batterer. In some cases, the abuse and the batterer's behaviour was not taken into account. The prosecutor frames the abuse as an excuse rather than as a legitimate reason for the women's committing of the crime.

In addition, this research found that the defense attorney's method of defense in many cases did not appear to benefit the women. There were several cases in which the defense did not even include evidence of abuse at trial. Data examined in this research suggested that 1) defense attorneys do not understand the type of defense needed by battered women; 2) defense attorneys do not find the batterer's behaviour serious or important enough to use as evidence at trial, or 3) defense attorneys may realistically decide that this information will not be effective as the court legally now exists. Even in cases where the defense did include testimony regarding the batterer's behaviour, the testimony did not convey a male batterer that was crazy. In some cases, the batterer's behaviour was blamed on alcohol or drugs which was seen to produce temporary periods of irrationality. This research also suggested that the inclusion of domestic violence by the defense did not represent a benefit for women. It was found that underlying some explanations of the women's crime were stereotypes concerning battered women and domestic violence.

These findings suggest that defense attorneys need further education on the inclusion of battery information in domestic violence murder cases.

Lastly, it was found that the judges still relied on assumptions and stereotypes of wife battering when trying domestic violence murder cases. Some judges suggested that women who are battered can kill their husbands with impunity and either not be convicted or get light sentences. A few judges made comments such as "*she found the strength to leave*" or "*the proper option was to seek separation or divorce*" which indicates they believe women are solely responsible and have control over the situations that they find themselves in. Most of the judges blamed the women for remaining in the situations and ignored, excluded or minimized the abuse and the batterers behaviour. This research further suggests that judges lack understanding of domestic violence murder cases. It was found that at sentencing little weight was given to the domestic violence history. Even in some instances in which there was acknowledgment of the batterer's violent character in the judges' responses, it is not considered as serious as the fact that the battered woman has committed a serious violent crime. The woman's response was considered an abnormal one, while the male batterer's behaviour was normalized.

Furthermore, the lack of understanding of domestic violence murder cases was reflected in the sentence. The women were held wholly responsible for their actions and were given harsh sentences. Studies have indicated that battered women who kill or commit violent crimes receive long sentences³⁷ As was said previously (pg. 33), most of

³⁷ For more information see Carol Jacobsen's (1994) Criminalization and Corporal Punishment: A Fact Sheet on Women in U.S. Prisons.

the women received life sentences without the possibility of parole. The rest of the women received sentencing ranges such as 10-70 years, 25-50 years, and 22.5-37.5 years.

The findings from this research suggested that in general there is a lack of understanding of domestic violence murder cases in society. Specifically, I contend that there is a lack of understanding of the impact of battery. The general public does not understand the dynamics of the battering relationship. When they hear of cases in which a woman has either killed her abuser or actively participated in a violent crime as a result of her battering relationship, they respond by stating what they would do in the same situation. They make statements such as a) "I'd leave him if he ever hit me...", b) "I'd die before I..." killed someone or committed a violent crime, or c) "No one would ever do something or be forced into something they wouldn't normally do..." These responses suggest that the general public expect a battered woman to act as if she was not battered every time a new situation comes up. They expect her to act like any "normal" person would act. Battered women who do not meet these expectations are considered "abnormal". In this study, judges' responses indicate how they feel battered women should react in battering situations. For example, one judge spoke of "proper options" of seeking separation or divorce. As was said previously, this type of response indicates a lack of understanding of the impact of abuse. The judge did not understand how the battered woman, after living with the batterer and his years of horrible abuse, quite reasonably believes that the abuser will become even more dangerous and violent towards her when threatened with the prospect of her leaving him. She believes that physical separation or divorce will not protect her from him. Indeed, research suggests that this is

the case (Gartner, 1992). As a result of this type of thinking battered women are “abnormalized”.

There is a distortion in thinking of the people who make these responses. They expect the women to escape or to stand there and take it. One alternative would be for the woman to fight back against her batterer physically. However, many batterers are understood to have both physical strength and rage. The battered woman could not possibly beat him. If a woman is expected to stay, how long or how many punches/attacks is she expected to take before she fights back the only way she sees as a viable “way out”? Or should she expect to stay and die at the hands of her abuser instead of fighting back? It appears as if the public is more concerned with the morality of the battered woman’s killing or committing of a violent crime than the morality of the victim’s continued assaults on the woman and society’s failure to protect her. There is an inability on the part of the public to conceptualize the batterer as a person acting unacceptably. Even if the batterer’s “bad” behaviour is recognized, as did some of the judges in this study, it is trivialized. The batterer’s behaviour is not viewed as serious, or as brutal as the battered woman’s killing or committing of a violent crime.

This thesis demonstrated how the male batterer is normalized by the women, ‘other people’, and selected criminal justice agents. What would be interesting would be to look at how general constructions of the batterer have emerged within society and how this socially constructed view influences women in the criminal justice system.

Within society there is a very distinct view of the male batterer. This view is derived from many different sources. The media, such as television, music videos, and movies, all

portray the batterer in a certain way.³⁸ Movies especially, start out by portraying male batterers as ordinary people with ordinary lives and then show them in a public crazed state.³⁹ Over time, society, through publicity of various sources, develops a version of what happens in a “typical” battering relationship and develops a version of the “typical” batterer. That is, publicity of domestic violence makes constructions of the batterer similar for all people in society.

In fact, before I started this thesis, I had my own version of the batterer which was somewhat similar to that generally held in society. Also, from talking with other people about this research, I found that most people shared similar versions of “typical” battering relationships and “typical” batterers. The batterer is a kind and charming person to outsiders who becomes the mean, vicious, violent, crazed person who beats his wife and children at home.

This type of construction blends with the popular works of other researchers such as Lenore Walker (1979) and Angela Browne (1987) who in their research on battered women discussed the male batterer. Lenore Walker (1979) in her research The Battered Woman, explains the battering relationship through the cycle theory of violence in which both partners continuously go through a three phase cycle of minor battering incidents, serious severe beating, and then apologies and kindness on the part of the batterer.

³⁸Television commercials, media coverage of ‘real’ domestic violence/murder cases (OJ Simpson, Burning Bed, Bernardo/Homolka case) , music videos, and movies portray the male batterer as stereotyped. For example, in a particular television commercial aimed at preventing abuse, a businessman is shown at work and then, after he comes home from work, is shown beating his wife. This commercial portrays the male batterer as someone who, outside the home, is a well liked, well behaved member of the community who is only violent at home towards his wife.

³⁹Movies such as OJ Simpson Story, Sleeping With the Enemy, although different storylines, portray typical battering situations. Even though OJ Simpson’s situation is not typical, publicity produces typical or similar constructions of the male batterer in society.

Throughout her explanation however she recognizes the batterer as having a 'lack of control', 'the batterer does not try to control himself,' or 'his rage is out of control.'

In summary, society through various sources constructs the male batterer and over time this picture of the male batterer has become simplified, stereotyped, and typified. Typically, the batterer is viewed as having a "*Jekyll and Hyde*" type personality in which he is, at times, very kind and charming, and at other times, he is "*in a rage*", "*out of control*", "*uncontrollable*," and "*obsessive*." The batterer is typically thought of as violent within the home, not in public. Furthermore, underlying this construction of the male batterer is the implication that the batterer is not to blame for his actions. References such as the batterer was "*out of control*" or the batterer had a "*lack of control*", that the batterer is not responsible for his behaviour.

Given this kind of larger construction within society, I believe that the women in this study work to fit their batterers into this public construction. That is, the women were influenced by societies construction of the male batterer. Their experiences in battering relationships have similarities to social constructions of spouse battery. Although their constructions may be more complex than societies, the women do share the common construction of the batterer as having a "*Jekyll and Hyde*" type personality. On the one hand they describe their partners as loving and caring people. For example, a few women report that their batterers "*could be so nice*," "*would be kind and considerate*," "*could be loving and caring*" and then "*other times he went crazy when things didn't go his way*", "*the next minute he would turn on her like an enraged animal*," and "*he'd start beating me, with the beatings coming more frequently*." These women relate that when

he was *drinking* "he would act like Dr. Jekyll and Mr. Hyde," or "he was very, very abusive," "violent and dangerous", and "extremely jealous and possessive".

This construction of the male batterer as 'normal' disadvantages battered women at home and in the criminal justice system. For battered women, part of the problem in forming a construction of the male batterer from what they learn within society is that a full picture of the male batterer is not drawn. That is, the qualities of batterers that do not fit within the "*Jekyll and Hyde*" categories will not be noticed and discussed by the women. The women in this study who share this "*Jekyll and Hyde*" construction with society, through their explanations and descriptions of their batterer, normalize their batterers and their behaviour. Constructing this image disadvantages women because a lot of batterers are cold and calculating, their raging is carefully planned and plotted out. The women are not able to recognize or verbalize certain aspects of their batterer's character if it does not fit into the typology. They do not see his pathology. For example, the women in this study believed that their relationship had happy periods in which the batterer treated her well and then the batterer would go through irrational periods in which he was "*out of control*". These women explained that their batterer's irrational periods were due to drinking and taking drugs. They described him as more violent and uncontrollable after taking alcohol and drugs. As was said previously, the battered woman in these instances is explaining his behaviour by blaming it on other influences and therefore turning the responsibility away from him. What happens is that the battery is normalized and the battered woman does not see the batterer for what he really is. She does not see that his threats, his violence and his raging are planned or plotted out. She does not see that he is

a manipulative person who has his own pathology in the sense that he has motives, intent, and an appreciation for what he is doing. For example, one woman in the interview data reports that *"the intimidation and isolating behaviour felt 'normal'...The emotional abuse suffered felt as normal to her as the other forms of abuse. 'Normal...I felt it really wasn't nothin...This all felt normal (using male privilege)...Of course he was right."* In the end, the battered woman is unable to verbalize or raise certain issues about their batterer that do not fit the existing social construction. Both the batterer and his victim attempt to accommodate their relationship without questioning the normality of beating and abusing women. This hampers their actions as well as actions of others and the criminal justice system.

In fact, the combination of the defense attorneys method of defense along with a lack of good descriptions of the abuse and the batterer in the pre-sentence report as well as the inability of the women to recognize her batterer's pathology, allows the court to judge the image women have of their batterers on the basis of their crime and their ideas about wife battering. These ideas feed into the criminal justice system and the court is able to hold onto and add to the already existing socially constructed ideas about wife battering such as "Why didn't she just leave?" and respond by blaming the women for what they view as an extreme unnecessary solution. For example, some judges responded by stating that the women should have pursued the *"proper options"* of divorce or separation available to them. Judges responded by making statements such as *"I'm sick of all of these women killing their husbands and getting off"*, and seeing the women as *"less deserving of a lighter sentence."* . By virtue of the violent crimes the women committed, they are .

viewed as abnormal. This view impacts on the women in the criminal justice system at sentencing. In the end the judges respond by giving harsh sentences, which suggests that the abuse and the batterer's behaviour was not taken seriously. As a result of the judge's actions, the batterer's behaviour is again normalized.

What has been presented throughout this thesis is that the male batterer's in the files were constructed as normal individuals. The women who killed their batterers considered to be more crazy than the men by selected agents in the criminal justice system. The question researchers must ask is if the abuse done by the males is not considered serious, 'crazy' or 'sick,' then what do men have to do to have their behaviour classified as 'sick', 'crazy', or 'bizarre'? The cases involved in this study represent extreme cases in the sense that not all women kill their batterers. That is, some women are able to leave their batterers, some women actually get away from their batterers, while other women who kill are never caught. The files presented in this research are distinct in that the women took violent actions, in most of the cases, that resulted in the death of their batterers. I find that it is difficult to think of these women as basically unstable or crazy. However, the batterer, who society tends to regard as normal, exhibit behavioural patterns that would reasonably be associated with abnormality.

After concluding that these batterers exhibit behavioural patterns that would reasonably be associated with abnormality and after concluding that these women had reason to fear their batterer's because of the months and years of threats and violence, the question must be raised, Where is the rightness and rationality in the way these women have been treated and harshly sentenced by the criminal justice system? Why isn't the batterer's behaviour

regarded as important in these cases? Why does a male who kills his partner receive a lesser sentence than a woman who kills her batterer? Why does a male who kills a stranger receive a lesser sentence than a woman who kills her batterer? How can we understand this?

Women are still judged under a patriarchal society in which the standard of acceptable behaviour is male. For battered women who kill their abusers, the court recognizes the concept of the “reasonable man” and questions what he would do and whether he would think he was in fear or danger. However, when a battered woman kills her abuser, this male reasoning only looks at the final violent incident, not the years of abuse. It does not see that not all women are physically capable of fighting back without the use of weapons in a direct attack while the batterer is asleep because the battered woman knows, through years of experience, of her batterer’s willingness to use violence and reasonably believes his threats to kill. Most of the abuse in court is minimized and is not viewed as serious, or at least less serious than the act of a woman killing an abusive male partner. Battered women become the focus, they become responsible and are given harsh sentences for their crimes. As a result, the actions and behaviour of the batterer is continued to be normalized. The actions and responses of the criminal justice system perpetuate stereotypes and beliefs about wife battering as well as the acceptance of men’s violence against women.

Although the explanation of patriarchy shows how men have dominated women for centuries, it is important to look at how men and women’s behaviour is defined and labeled in society in order to understand how women’s violence is normalized from a

larger framework in society. At one time it was acceptable for men to beat women. According to feminists, patriarchy, a system of male power that has existed and has been maintained for centuries is one in which men's violence towards women was legally and culturally viewed as normal. Men's violence against women was defined as a "private" act in which violence in the family or in private should not be subject to social or legal intervention. As a result, the police, courts and the community have failed to intervene because they perceived the violence to be a private, non-serious, non-criminal act. On the other hand, women's violence against men has been defined as a "public" act in which the legal system prosecuted battered women, who killed their abusive partners or committed violent crimes as a result of battering, for murder. Their actions were deemed unnatural, unfeminine, too aggressive and abnormal.

Today, there is a change in the definition of men's violence from private to a public act in which various parts of the criminal justice system must respond to domestic violence. However, I believe that these earlier definitions have become deeply embedded in law and society. Many feminist scholars also believe this to be true (Schneider, 1994; Schur, 1984; Naffine, 1987; Dobash and Dobash, 1979; Kelly and Radford, 1990-91; Heidensohn, 1987). That is, they believe that the legal system and society through their actions and responses construct what is deemed "private" and "public", define what is acceptable behaviour, and label this behaviour accordingly. These definitions have become entrenched in our value systems. For example, it has been shown that many times people are aware of violence and do not help the battered woman. In this study, 'other people' did not assist the battered woman. This research suggested that perhaps one reason 'other people' did

not react because they perceived the batterer to be fearsome. However, I think this non-action resulted in more than fear. Non-action perhaps is often based on deeply entrenched attitudes such as “it’s not my problem”, “not our fault”, “I don’t want to get involved.” At the criminal justice level, officials focus on the battered woman, examine and label her act as evidence of her pathology and blame her for not leaving the relationship. Society does not accept responsibility for men’s violence against women and instead the problem is individualized. Through non-intervention and minimization of the batterer’s violence, men’s violence against women disappears from the public eye. It is integrated into world views and is normalized.

Researchers need to continue to research to ending men’s violence against women. For centuries male violence has been viewed as normal and today this normalization is taken for granted within our society. We need to move beyond viewing male battering as “normal” to “abnormal”. Until society begins to define men’s battering as unacceptable and responds by effectively deviantizing this behaviour there will continue to be battered women who will fight back and go to prison. Developing the means of accomplishing this task is beyond the scope of this research. Certain aspects in this area need more research.

Directions for Future Research

This research is one of the first attempts to focus on how the male batterer and his actions have been viewed in cases where women have been convicted of crimes of violence resulting from this abuse and to examine how his female partner, 'other people', and selected agents within the criminal justice system construct the male batterer as 'normal'. Due to the small sample of women and the fact that this research takes a different perspective, this research does not claim to speak for all battered women who commit violent crimes. However, it is hoped that this research will provide a new beginning for other researchers to change the current pattern of thought on men's violence against women, battered women who commit violent crimes, and within criminological theory.

There needs to be more research that focuses on the pathology of the male batterer and research that views the battered woman as normal. This may be accomplished by conducting more in-depth qualitative research analyzing larger samples of battered women who kill and focusing on the behaviour of the batterer and how it impacts on the crime. Research that includes women's voice and allows them to share and explain their experiences in abusive relationships will provide a richer and more complete understanding of domestic violence.

In addition, in-depth interviews with the various members of the criminal justice system examining their attitudes and responses as well as investigations into police, probation and court policies, and practices would provide a greater understanding of the barriers or concerns that women face within the criminal justice system. For example, questions such

as “Are the different agencies, such as the police, domestic violence shelters, and hospitals, that hear about domestic violence situations making careful records and documenting thoroughly?” or “Are there laws that dissuade batterers and give them a sufficient penalty being enforced?” are starting points to investigating this area.

Furthermore, although researchers are starting to focus on the male batterer (Adams, 1988; Ptacek, 1988), in areas such as programs for male batterers, more research into the effectiveness of these programs is important to help women against men’s violence. Questions such as “Are these programs successful?” or “What are happening to the men after the programs are finished?” would help to assess whether or not different agencies are dealing effectively with male battering and the safety of battered women is at risk.

Any research in that examines men’s violence against women must continue to base research both on a structural and individual level realizing that individuals exist within a society that is structured along the lines of gender and power.

APPENDIX A

DOMESTIC VIOLENCE INTERVIEW #1

GENERAL QUESTIONS

1. Name:
2. Assailant's name:
3. Assailant's status (alive/dead; where he's living, etc.):
4. Criminal Charge:
5. Sentence:

THE FOLLOWING ARE GENERAL QUESTIONS ABOUT THE RELATIONSHIP BETWEEN THE HISTORY OF VIOLENCE BY HER ASSAILANT AND THE CRIME FOR WHICH SHE WAS INCARCERATED. LATER WE WILL ASK HER SOME SPECIFIC QUESTIONS ABOUT THE BATTERING.

6. What was happening in your life at the time you committed the crime that you are not in prison for?
7. Why do you feel that you committed this crime? (If she says she feels she committed the crime due to being battered, ask her to explain what she means by that - get as much information in her own words as possible).

TELL THE WOMAN WHO YOU ARE INTERVIEWING THAT YOU WOULD LIKE TO TALK WITH HER ABOUT THE RELATIONSHIP BETWEEN HER AND THE PERSON SHE NAMES AS HER ASSAILANT.

DATING (for women whose assailants were their intimate partners)

8. When did you first meet your partner?
9. In the beginning what was the relationship like?
 - a. Describe your partner's behaviour towards you.
 - b. If you had a disagreement how was it handled?
 - c. How did your partner feel about you and the relationship?
 - d. How soon was a commitment made? (living together, going "steady", marriage, etc.)
10. At what time did you begin to have concerns about the relationship?
 - a. Describe specific situations.
 - b. Describe things that your partner said or did to you.
 - c. What was a typical argument like?
 - d. What did your partner say and do when your partner was angry at you?

IF ASSAILANT WAS NOT AN INTIMATE PARTNER ASK ABOUT WHAT RELATIONSHIP SHE HAD WITH THE ASSAILANT AND WHEN SHE BEGAN TO HAVE CONCERNS ABOUT THE RELATIONSHIP. ASK QUESTIONS 10 a-d.

INTIMIDATION

Did your partner ever...

- 11. destroy your personal possessions?
- 12. rip or tear your clothing?
- 13. rip phone out of the wall?
- 14. smash or throw items in the house?
- 15. bang or punch walls?
- 16. put fear in you by using looks, actions, voices?
- 17. How often were you afraid of your partner?
- 18. How did this feel? (all the behaviours your partner did to intimidate you)
- 19. What effect did this have on you?

ISOLATION

Did your partner ever...

- 20. give you time limits or make you report your whereabouts to him?
- 21. check you mileage?
- 22. control who you were able to be friends with?
- 23. restrict you from seeing certain people?
- 24. lock you up in the house?
- 25. How did this feel? (all the behaviours your partner did to isolate you)
- 26. What effect did this have on you?

EMOTIONAL ABUSE

Did your partner ever...

- 27. call you names? Which names? How often?
- 28. try to make you think you were crazy? How was this done?
- 29. force you to take drugs, pills, or alcohol?
- 30. tell you that you couldn't do anything right?
- 31. criticize you for everything you did or didn't do?
- 32. play with your mind? In what ways?
- 33. How did this feel? (the behaviours your partner did to emotionally abuse you)
- 34. What effect did this have on you?

ECONOMIC ABUSE

Did your partner ever...

- 35. tell you that you couldn't work?
- 36. disturb you at work?
- 37. make you ask for money?
- 38. take your money?
- 39. How did this feel? (the behaviours he did to economically abuse you)
- 40. What effect did this have on you?

USING CHILDREN

Did your partner ever...

- 41. criticize your parenting skills?
- 42. use children to give you messages or threats?
- 43. force children to watch the abuse?
- 44. use visitation as a way to harass you?
- 45. direct the children to disobey you?
- 46. allow the children to do something that you don't allow?
- 47. direct the children to physically or verbally attack you?
- 48. threaten to take the children and prevent you from having custody or seeing them again?
- 49. How did this feel? (the ways he used the children)
- 50. What effect did this have on you?

THREATS

Did your partner ever threaten to...

- 51. kill or harm your pet(s)?
- 52. kill or harm you?
- 53. cause trouble so that you would lose your job?
- 54. kill or harm your family/kids?
- 55. commit suicide?
- 56. report you to welfare?
- 57. (if lesbian) tell your friends, job, etc. your sexual orientation?
- 58. How often did he carry through on threats?
- 59. How did this feel? (your partner's threats)
- 60. What effect did this have on you?

ACCUSATIONS

Did your partner ever accuse you of...

- 61. having affairs?
- 62. not being where you said you would be?
- 63. being attracted to different people?
- 64. being a lesbian? (for lesbian women - not being a true lesbian or not femme or butch enough)
- 65. How did this feel? (your partner's accusations)
- 66. What effect did this have on you?
- 67. Did your partner ever treat you like a servant?
- 68. What was your partner's idea of what male/female roles should be?
- 69. What were your partner's ideas of a man's/female's role in marriage?
- 70. What did your partner expect from you?
- 71. Did he assume that "his way" was right?
- 72. Did he/she not ask for your opinion or permission?
- 73. How did this feel? (your partner's use of privilege)
- 74. What effect did this have on you?

SEXUAL ABUSE

Did your partner ever...

- 75. force or coerce you to have sex or do particular sex acts?
- 76. force or coerce you to have sex with another person or animal?
- 77. rape you with an object?
- 78. threaten to give you a sexually transmitted disease?
- 79. call you sexually derogatory names? (whore, slut, etc.)
- 80. How did this feel? (your partner's sexual abuse)
- 81. What effect did this have on you?

PHYSICAL ABUSE

- 82. Describe the first physical assault.
- 83. How did you feel after this first assault?
- 84. Describe a typical assault.
- 85. What was the worst assault?
- 86. How did you react?
- 87. What did you do to protect yourself?
- 88. Did you seek medical treatment because of an assault? How many times? What happened when you sought medical help?
- 89. How many times did you call the police?
- 90. What happened when you called the police?
- 91. Did they arrest? How many times?
- 92. Did you have a restraining order?
- 93. (If restraining order) did the police enforce injunctions?
- 94. Did the police give you information on services like shelter?

95. (If arrest or complaint made) did the prosecutor authorize your complaint?
96. Do you have medical and police reports?
97. How often did you try to separate yourself from you partner?
98. How often did you leave?
99. What did your partner do when you left?
100. Where did your partner go when you left?
101. Did you ever go to a battered women's shelter?
102. Did you ever go to someone for counseling/support when you were being battered?
Who? What was that experience like for you?
103. What else did you do to try and protect yourself and get help?
104. After your partner assaulted you, what did he do and say?
105. Did your partner ever talk about the assault?
106. Describe the fear you felt toward your partner?

ALCOHOL AND OTHER DRUGS

107. How often did you use alcohol or other drugs during the time you were with your partner?
108. How often did your partner use alcohol or other drugs?
109. At the time of the incident, were you and/or your partner under the influence of alcohol or other drugs? What quantity?
110. Describe the incident/crime. (if she didn't describe it in questions #6 or #7)

FAMILY/OTHER RESPONSE

111. What was your childhood like?
112. If you were abuse, what happened?
113. How did your religious values affect your views and expectations of the relationship?
114. Did you approach the religious/spiritual community for help? What was the response?
115. What were your views of marriage? Roles of men and women?
116. Did you disclose abuse to your family? How did they respond?
117. Do you have children? If so, where are they? When was the last time you saw them? What kind of relationship would you like with them if you were to get released?
118. Do you have any medical problems? What are they? How have they been treated?
119. If you were to get released, what kind of plans would you make for re-entering the community? (job, family, support systems, where she'd live, etc.)
120. Do you know people who may be willing to write a letter supporting your request for clemency?

DOMESTIC VIOLENCE INTERVIEW #2

1. During arguments did the man often threaten someone, break things, punch walls or hurt animals or children?
2. Did he have mood swings, where one minute he was loving and affectionate, and the next minute angry and threatening?
3. Did he ever hit, bite, burn, choke, kick, slap, grab, or shove you?
4. Were you afraid to talk to him about your feelings, hopes, your fears?
5. Did he tend to blame others for his behaviour, especially you?
6. Was he jealous to the point where you changed your behaviour or appearance to avoid his jealousy?
7. Did he try to control how you thought, dressed, who you saw, how you spent your time, how you spent your money?
8. Did he try to discourage you from seeing your family or friends?
9. Did he get angry or resentful when you were successful in a job or hobby?
10. Did he ever threaten to harm you, himself, your children or others if you talked about leaving?
11. Did he do or say things that were designed to make you feel crazy or stupid?
12. Did he blame alcohol, drugs or other life events for his behaviour?
13. Did he tend to beg for forgiveness after aggressive behaviour?
14. Did he ever say or make you believe that if he couldn't have you no one would or anything similar?
15. Did he ever force you to have sex or hurt you or threaten you if you refused sex?
16. Did he make you account for every minute of your time, screen your mail and phone calls, constantly accuse you of having affairs, check up on your whereabouts or make you give him your daily schedule?
17. Did he ever withhold food or money from you or your children?
18. Did he stop you from seeing family or friends, getting a job, going to school or using the car?
19. Did he make or carry out threats against you or your family, hurt your pets or destroy your property?

LEGAL INTERVIEW GUIDE

1. Did you plead guilty or go to trial? Did you file for an appeal? At what point are you in the appellate process -- request for a attorney, Court of Appeals, Supreme Court (request for review, request granted, brief filed), Circuit Court post-judgment motions, request for habeas relief, habeas filed, or are all avenues for relief exhausted?
2. How was domestic violence a part of the incidents that led to conviction in your case?
3. What is your major concern about the trial level proceedings? (i.e., trial attorney was not available or did not follow up information, effect of plea and/or conviction not explained properly, explanation of how domestic violence played into the criminal incident not presented, etc.) If applicable, was this dealt with on appeal?
4. If your trial lawyer did take the abuse into account, how was it brought up at trial? If you remember, did the judge tell the jury members (give jury instructions) that they should consider abuse when making its decision?
5. Was domestic violence considered in the sentencing process? Did your lawyer bring it up? Did the probation agent ask you about it and/or include it in the pre-sentence report? Did the judge take it into account at sentencing?
6. Was there a psychological report? If so, was this your request, the prosecutor's or ordered by the court? Did you sign a release (s) to give the psychological evaluation to the court? To your lawyer? To the probation department? Did your attorney see it before the judge did? Did you see it before the judge did?
7. Are the facts of your case on record? If not, what non-record facts are important to the case? (e.g., things your attorney knew that were not brought up, off-record discussion with the judge, discussions with your lawyer that were not made part of the record). Is there supporting evidence such as police and hospital records, letters etc.?
8. What is the current state of your health? Do you have a history of physical health problems? If so, what kind?
9. What is the current state of your mental health? Do you have a history of mental health problems? If so, what kind?
10. How old are you? Do you have mental or physical problems which stem from age?
11. What do you feel is the greatest injustice about your conviction and/or sentence?
12. What are your plans upon release? Do you have a job, a place to live, a place to parole out to?

APPENDIX B

DOCUMENTS WITHIN THE FILES FOR THE 15 RESEARCH SUBJECTS

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Interview data:															
Legal	•	•	•	•	•	•	•	•	•	•	•	N	•	•	N
Domestic Violence	•	•	•	•	•	•	•	•	•	•	•	N	•	•	N
Pre-sentence Report:	•	•	•	•	•	•	•	•	•	•	•	N	•	•	•
Correspondence:															
Prisoner to S.F.	*		1	*	1	*	2	*	2	2	2		*	4	
S.F. to Prisoner	*			2	1	*				4			*		2
Batterer to Prisoner														*	1
Prisoner to Attorney	2							1							
Volunteer to S.F.					1				1		1				
S.F. to State A.D.	2			1							1				
Judges, Lawyers, Governors to F. Link	2	1	1	3							1				
Attorney(s) to Prisoner	2							2							
Attorney to Attorney		1									1				
Miscellaneous								1							
Legal Documents:															
Statement of Facts	2							2	1					1	
Motions	1	3	5		1								4	1	
Affidavits	3	3	1					2				1	2	1	
Notices	1	1	1					2	1			1	2	1	
Sentence Judgments Transcripts/Memos				3	1		1	3		2	1		2		
Briefs	6	2	2	1	1			4	4	2	4	2	*	3	
Proof of Service		1	1					2	1			1		2	
Court Transcripts	1			3			3						1		
Index Exhibits	1							1							
Order, Opinions, or Petitions			1	1			2	5	1	1			8		
Preliminary Examination				1						1					
Proposed Jury Instruction													1		
Memorandums		1					1								

Prison Records:														
Correspondence							1	2	3	2	1			
Work Reports			1	*			*	3	1	1			*	1
Program Reports	*		*	*			*	4		1			*	1
Security Documents	4		2	2	2	1	*	1	*	4	*		*	2
Progress Notes	2			1	1		1		5	*	1			
Medical Reports	1		1				1			*	1			
Psychological Reports	2	1		1	1		1	4	1	1	1			
Misconduct/Accident Reports													*	
Basic Information Reports							2		4	3			4	*
Parole Reports	1			1			1				1		1	
Agencies:														
Police -statements	1									6			3	
-reports	1		1			1	2				1			
Pathology Reports														
Hospital Records														
Domestic Violence Agency	1				1						1			
Letters Written on Her Behalf:														
Friends			5	*			2				*			
Family			*	*										
Employers							2							
Release of Info. and Confidentiality Agreement:	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Other:														
Newspaper Articles	•	•												
Academic Articles		•											*	

* Several documents ranging between 10-30.

N Document was not present.

• Document was present.

Note: If there were less than 10 of one type of document, the number was listed.

Both the Legal Interview and the Domestic Violence Interview were administered to all 15 research subjects. After the interviews were completed, the volunteers wrote a report based on the answers given by the women in the two interviews. Some of the files contain the original Legal and Domestic Violence Interview. The summaries and the original interviews were sent back to the women to make additions and corrections to their answers if necessary. See Appendix A for a copy of both interviews.

APPENDIX C

CONSENT FORM

The purpose of this study is to examine a sub-sample of files from the Michigan Battered Women's Clemency Project in an attempt to deconstruct societies view of the male batterer.

In this research, it is understood that Susan Fair, the director and founder of Freedom Link, is providing Sandra MacMillan with access to case files relevant to the specific nature of this research.

It is also understood that Sandra MacMillan is viewing case files as a worker/helper of Freedom Link, thereby upholding the confidentiality agreement already in place between Susan Fair and the woman prisoners of her project. In order to further maintain confidentiality Sandra MacMillan agrees that the names of the women will never be used and any details about these women and their lives will not appear in any manner that allows these women to be identified.

Finally, Sandra MacMillan also agrees to provide Susan Fair with copies of all written work derived from the use of this data.

Dr. Mary Lou Dietz (Chair- U of W)

Sandra MacMillan (Student- U of W)

Susan Fair (Director of Freedom Link)

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Sandra Ann MacMillan was born on December 15, 1970 in Georgetown, Ontario. She attended Lord Dorchester Secondary School in London, Ontario before graduating as an Ontario Scholar from Sandwich Secondary School in LaSalle, Ontario in 1989. She then enrolled at the University of Windsor. She worked one year as a teacher's assistant before graduating in 1993 with an Honours B.A. in Criminology. She then entered the Masters program at the University of Windsor with a Tuition Scholarship. While completing her thesis she worked concurrently one year as a graduate assistant and the other year for Citizenship and Immigration Canada. She completed her M.A. thesis in August of 1995 after being awarded the University of Windsor Summer Research Scholarship. Currently, she has accepted admission to the Bachelor of Education program at the University of Windsor.